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SUPREME COURT OF THE UNITED STATES.

No. 173.

MARTIN VERY, PLAINTIFF IN ERROR,

vs.

GEORGE C. WATKINS.

IN ERROR TO THE CIRCUIT COURT U. S. FOR THE EASTERN DISTRICT OF ARKANSAS.

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GIDEON, print.

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THE UNITED STATES OF AMERICA,
Eastern District of Arkansas.

Be it remembered, that at a circuit court of the United States in and for the eastern district of Arkansas, begun and holden at the court-house, in the city of Little Rock, on the second Monday of April, A. D. 1858, being the 14th day of said month, the following among other proceedings were had; the Hon. Daniel Ringo, district judge of the United States for said district, presiding, and holding the term of said circuit court, to wit:

Declaration.

THE UNITED STATES OF AMERICA,
Eastern District of Arkansas, ss.

In the Circuit Court of said district—To the April Term, A. D. 1858.

Martin Very, who is a citizen of the State of Indiana, plaintiff in this suit, by attorney, complains of George C. Watkins, who is a citizen of the State of Arkansas, and resides in said district, defendant herein, of a plea of debt, and that he render unto him, the said plaintiff, the sum of five thousand dollars, which to him he owes and from him unjustly detains.

For that whereas heretofore, to wit, on the 25th day of April, A. D. 1850, to wit, in said district, one John M. Ross, who is now dead, the said defendant, and one E. Cummins, who is also dead, by their certain writing obligatory, which is now here to the court shown, bearing date the day and year aforesaid, sealed with their respective seals, and signed by said defendant by his abbreviated name, style, and description of "Geo. C. Watkins," acknowledged themselves, the said John M. Ross as principal, said defendant and said E. Cummins as securities, to be held and firmly bound unto the said plaintiff in the sum of five thousand dollars, above demanded, which said writing obligatory was and is subject to a certain condition thereunder written, to the effect following, to wit: that the said John M. Ross had been by the order and decree of the circuit court of the United States for the district of Arkansas, in chancery, appointed and constituted a receiver of that court to receive, take charge of, safely keep and deliver, and pay over to those entitled, upon and whenever the said court should so order and decree, certain property, goods, wares, merchandise, jewelry, &c., tendered and offered to be brought into court by one Jonas Levy, the defendant in a certain suit in chancery, then in said court pending, wherein the said plaintiff was the complainant, and said Levy was defendant, and to discharge such other duties

as might be required of him in respect of the premises as such receiver; therefore, if the said John M. Ross should well and faithfully discharge his duties as receiver of said court in respect to the premises, and should take and keep the said property safely and surrender and pay the same out, in pursuance of the order and decree of said court, and obey the orders and directions of said court in respect thereof, and should discharge all other duties incumbent upon him as such receiver, and obey all the rules and orders of the court in respect to the said property, then said writing obligatory was to be void, else to remain in full force and virtue.

And the said plaintiff, Martin Very, by way of assigning a breach of the said condition of the said writing obligatory, according to the form of the statute in such case made and provided, says that afterwards, such proceedings were had in the said cause of Martin Very against the said Jonas Levy, so pending in chancery in the said circuit court, that on the 15th day of July, A. D. 1850, it was among other things ordered, adjudged, and decreed by the said circuit court in chancery, that a large amount of goods, jewelry, &c., which under the order and decree of that court were then in the custody of the said receiver, and held by him for the purpose of satisfying the demand of the said Martin in that behalf, and that an account be taken and stated, showing the amount of the principal and interest remaining unsatisfied to the said Martin on the 3d day of March, 1844, in respect of his demand set up against the said Jonas in said suit in chancery; and also, that an inventory and account be taken of the goods so placed by said Jonas in the custody of the said John M. Ross, said receiver, as aforesaid, showing the reasonable price of each and every particular article of such goods at Little Rock, in the State of Arkansas, on the 3d day of March, 1844, upon a sale of such amount made at one time and to one purchaser, and the aggregate value therefor at that day, which was referred to Luke E. Barber, esquire, as a master in chancery, with directions to state and report the same, and to strike a balance between such aggregates, and under which order and decree of reference, so made to the said Luke E., he, the said Luke E., afterwards, in the said term, to wit, on the 29th day of July, A. D. 1850, reported to the said circuit court in chancery, that he had taken an inventory and account of such goods and jewelry, placed by the said Levy in the hands of the said John M. Ross, as such receiver, appointed as aforesaid, and also returned such inventory thereof into that court, whereby it appeared and was made manifest that the aggregate value of such goods and jewelry, then in the custody of the said John M. Ross, as such receiver, amounted to and was the sum of five thousand seven hundred and seventy-six dollars and ninety-nine cents; and also on the same day last aforesaid, stated and reported to said circuit court in chancery, an account taken, showing a balance due from the said defendant, Jonas

Levy, to the said complainant, Martin Very, of the sum of two thousand and two dollars and fifty-nine cents on the 3d day of March, A. D. 1844, according to the directions of the said order and decree of reference, and which report of the said Luke E., as such master in chancery, was then and there, to wit, on the said 29th day of July, in all things confirmed by the said circuit court in chancery; and afterwards, in the same term of that circuit court in chancery, to wit, on the 6th day of August, A. D. 1850, the said cause of Martin Very, complainant, against Jonas Levy, defendant, in chancery, came on to be further heard, and it appearing from the said report of the said master that there was due on account of principal and interest upon the obligation mentioned in the pleadings in that case, from the said Jonas to the said Martin, the said sum of two thousand and two dollars and fifty-nine cents, and that said Jonas ever since the said 3d day of March, A. D. 1844, had kept and held said goods for the satisfaction thereof, of the aggregate value of five thousand seven hundred and seventy-six dollars and ninety-nine cents, showing an excess of thirty-seven hundred and seventy-four dollars and forty cents in the value of such goods above what was sufficient to satisfy the said demand of the said Martin; and thereupon it was then and there, among other things, by the said circuit court in chancery further ordered, adjudged and decreed, that the said Martin was entitled to take and receive of the goods aforesaid, such as he might select to the value of the said sum of $2,002 59 cents, in satisfaction and full discharge of his said demand; and that the said Jonas was entitled to the residue thereof; and that the said Martin should proceed to make such selection from said goods, and take and receive the same to the amount of $2,002 59 cents, at the reasonable value thereof, at Little Rock, in the State of Arkansas, on the 3d day of March, 1844, in satisfaction of his said obligation and mortgage, within three days after he or his solicitor should be served with a copy of that order; and that if the said Martin should fail to make such selection, that the cause should be referred again to the master, who should make such selection for him, the said Martin, out of the said goods, then in the hands of the said receiver, such quantity as should be fully equal in value to the said sum of $2,002 59 cents, according to the said appraisement thereof, theretofore made by the said master, or under his direction, and by him so returned and filed therein on the said 29th day of July, A. D. 1850, so as to make the stock selected embrace as good a variety of articles as possible for the business and trade of a jeweller or dealer in articles of such description, and that such master take proper testimony to arrive at such result correctly.

And afterwards, in the same term of that court in chancery, to wit, on the 13th day of August, A. D. 1850, the said Luke E.,

as such master, reported that the said Martin had failed to make such selection of the said jewelry in the hands of the said receiver appointed in that cause, to the said amount of $2,002 59 cents, as required by said order of that court, and that he, the said master, had proceeded on the 12th day of August, A. D. 1850, to select out of said goods so in the hands of said receiver a quantity embracing as good a variety of articles as possible for the business of a jeweller, amounting to the sum of $2,002 59 cents, according to the said appraisement thereof theretofore made, and by him so returned into that court, which selection he had made upon the testimony of Marcus Dotter and John Kirk, and which report set forth in detail an inventory of the articles of jewelry by him so selected, amounting in the aggregate to the value and sum of $2,002 59 cents aforesaid; and which report of selection so made by the said master was afterwards, in the same term of that court, to wit, on the 15th day of August, A. D. 1850, by said court approved and confirmed, and it was then and there, to wit, on the day last aforesaid, by said court in chancery, among other things, ordered and decreed that the said goods so specified in the report last mentioned be delivered by the said receiver to the said complainant, Martin Very, on demand, and that the said complainant take and receive the same in satisfaction and full discharge of the residue unpaid on the said bond and mortgage, upon which that suit was founded, to wit, the said sum of two thousand and two dollars and fifty-nine cents, so found to be due and unpaid on said bond and mortgage, on the said 3d day of March, A. D. 1844, and that the residue of such goods be delivered to the said Jonas Levy on his demand, and other things; all of which will more fully and at large appear by the record thereof remaining in the said circuit court in chancery. And the said Martin Very, plaintiff, avers that the said John M. Ross, as such receiver appointed as aforesaid, and under and by virtue of the said writing obligatory first above described, then and there took into his possession and custody the said lot of goods and jewelry so selected and set apart for the said Martin Very, and which were then of the value of $2,002 59 cents, and received the same into his possession and custody as such receiver in good order and condition, under the said order and decree of said court, to be delivered to the said Martin Very by him, the said John M. Ross, as such receiver, on demand; yet the said John M. Ross, as such receiver, did not, from the time of taking into his possession and custody the said goods and jewelry so selected and set apart for the said Martin, and of the said value of $2,002 59 cents, as aforesaid, faithfully discharge his duties as such receiver in respect to the premises, nor did he keep the said property and jewelry safely, nor surrender or deliver the same to the said Martin on demand, nor obey therein

the order, directions, and decree of that court in respect to the same, under the said writing obligatory, but on the contrary thereof, acted so negligently, carelessly, and improperly in regard to the same, that he threw the whole lot of said goods and jewelry so selected and set apart for the said Martin, loosely and promiscuously into a large wooden box, whereby it was broken, wasted, corroded by rust, and wholly wasted and destroyed, and became utterly valueless; and when said plaintiff, Martin Very, afterwards, to wit, on the tenth day of April, A. D. 1853, by his specially authorized agent and attorney, Absalom Fowler, in the city of Little Rock, in said district, made demand of the said John M. Ross, as such receiver, to surrender and deliver up to him, the said Martin, the said lot of jewelry so selected and set apart for him, and so delivered to the said John M. Ross, and so ordered to be delivered to the said Martin on demand, and of the said value of $2,002 59 cents, he, the said John M., utterly neglected and refused to surrender and deliver the same to the said Martin, and by means of which said premises and of the said neglects and acts of the said John M., as such receiver, in violation of the said condition of the said writing obligatory, he, the said Martin, has sustained damages to a large amount, to wit, to the amount of five thousand dollars, and thereby an action has accrued to the said Martin Very to demand and have of and from the said George C. Watkins the said sum of five thousand dollars first above demanded.

Yet the said John M. Ross, and the said E. Cummins, and the said George C., although often requested so to do, did not, during the respective lifetime of the said Ross and Cummins, nor has the said George C. since their decease, paid to the said Martin Very the said sum of five thousand dollars first above demanded, or any part thereof, but to pay the same hitherto wholly neglected and refused, and the said George C. Watkins still refuses so to do, to the damage of the said Martin Very of five thousand dollars, and therefore he sues, &c.

FOWLER & STILLWELL,
Attorneys for Plaintiff.

I, Joseph Stillwell, acknowledge myself security for all the costs for which the plaintiff may be liable in this suit.

Witness my hand and seal this 5th day of March, A. D. 1858.

J. STILLWELL. [SEAL.]

Filed and summons issued 5th March, A. D. 1858.

WM. FIELD, *Clerk*.
By R. SEARCY, *D. C.*

Summons.

UNITED STATES OF AMERICA,
District of Arkansas.

[L. S.] The President of the United States to the Marshal of the eastern district of Arkansas, greeting:

You are hereby commanded to summon George C. Watkins, if he be found within your bailiwick, to appear before the judges of our circuit court of the United States, in and for the eastern district of Arkansas, at the court-house, in the city of Little Rock, on the first day of our next April term, to answer Martin Very of a plea of debt, and that he render unto him, the said plaintiff, the sum of five thousand dollars, which to him he owes and from him unjustly detains, to the damage of the said Martin Very of five thousand dollars, and have you then there this writ.

In testimony whereof, Roger B. Taney, esq., Chief Justice of the Supreme Court, has caused the seal of said circuit [L. S.] court to be hereunto affixed this 5th day of March, A. D. 1858, and in the 82d year of our independence.

Attest: WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Return.

Came to hand March 9th, 1858. Executed the within by reading the contents to the within named Geo. C. Watkins, within his hearing, at and within the city of Little Rock, March 9th, 1858.

This 31st 1858. Service, $2 00.

JOHN QUINDLEY,
U. S. Marshal, &c.
By JAS. A. MARTIN, *D. M.*

Returned and filed 31st March, 1858.

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Prayer of Oyer.

Proceedings had on the 15th April, 1858.

MARTIN VERY, Plaintiff,
vs. } Debt.
GEORGE C. WATKINS, Defendant.

This day comes the said defendant by attorneys, and filed his prayer of oyer of the writing obligatory sued on in this case.

In the Ct. Ct. of the U. S. in and for the eastern district of Arkansas—April T., A. D. 1858.

MARTIN VERY
vs.
GEORGE C. WATKINS.

And the said defendant, by his att'y, comes and craves oyer of

the writing obligatory and the condition thereof, in the said declaration mentioned.

Bertrand, Garland, Gallagher, att'ys pro def't.

Filed 15th April, 1858.

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Proceedings had on the 17th April, 1858.

MARTIN VERY, Plaintiff,
vs.
GEORGE C. WATKINS, Defendant. } Debt.

This day comes said plaintiff, by Fowler and Stillwell, his attorneys, and grants oyer of the bond sued on herein, by filing a copy thereof; and comes also the said defendant, by attorneys, and files his first, second and third pleas to said plaintiff's declaration.

Copy of the Bond sued on.

Know all men by these presents, that we, John M. Ross, as principal, and George C. Watkins and E. Cummins as securities, are held and firmly bound unto Martin Very in the penal sum of five thousand dollars. Witness our hands and seals.

The condition of the above obligation is such, that whereas the above bounden John M. Ross was, by the order and decree of the circuit court of the United States for the district of Arkansas, in chancery, appointed and constituted a receiver of that court, to receive, take charge of, safely keep and deliver and pay over to those entitled, upon and whenever the said court should so order and decree, certain property, goods, wares, merchandise, jewelry, &c., tendered and offered to be brought into court by Jonas Levy, defendant in a certain case in chancery, therein depending, wherein Martin Very is complainant, and said Levy is defendant, and to discharge such other duties as might be required of him in respect to the premises, as such receiver:

Now, if the said John M. Ross shall and will well and faithfully discharge his duties as receiver of said court in respect to the pemises, and shall take and keep the said property safely, and surrender and pay the same out in pursuance of the order and decree of said court, and obey the orders and directions of the said court in respect thereof, and shall discharge all other duties incumbent upon him as such receiver, and obey all the rules and orders of the court in respect to the said property, then this bond to be void, else to remain in full force and virtue.

Witness our hands and seals this 25th day of April, A. D. 1850.

JOHN M. ROSS, [SEAL.]
GEO. C. WATKINS, [SEAL.]
E. CUMMINS. [SEAL.]

Filed 25th Ap'l, 1850.
Attest: WM. FIELD, *Cl'k.*

THE UNITED STATES OF AMERICA,
Eastern District of Arkansas.

I, William Field, clerk of the circuit court of the United States in and for the eastern district of Arkansas, do hereby certify that the above and foregoing, one page and part of page, contain a true and complete copy of the bond of John M. Ross as principal, and George C. Watkins and E. Cummins as his securities, executed by them to Martin Very, on the 25th day of April, A. D. 1850, as the same now appears on file in my office.

In testimony whereof, I have hereunto set my hand as such clerk, and affixed the seal of said court this 20th day of May, A. D. 1857.

[SEAL.]

Attest:

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Filed 17th April, 1858.

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Defendant's Pleas.

GEO. C. WATKINS
advs.
MARTIN VERY.

In the Circuit Court of the United States in and for the eastern district of Arkansas—April Term, A. D. 1858.

And the said defendant, by his att'y, comes and says actionem non, because, he says, that heretofore, to wit, on the 25th day of April, A. D. 1850, there was and had been pending on the chancery side of this honorable court a certain suit, wherein one Martin Very was complainant and one Jonas Levy was the principal defendant, the object of which suit was to foreclose a mortgage executed by said Levy on the 4th day of March, A. D. 1841, to one Davione Lindsley, of and upon certain real estate in said city, to secure the payment of a certain note or obligation, bearing date the 3d day of March, 1841, for the sum of $4,000, which said Levy had executed to said Lindsley, and which said Lindsley had assigned to said Very; and in which suit the defence set up by said Levy was, in substance, that he had made sundry payments on said note or obligation, and that, moreover, on the 3d day of March, 1843, said Very, the holder of said note or obligation, had, by his authorized agent, agreed with said Levy to receive the residue thereof in goods, consisting of jewelry and the like, at reasonable prices, in Little Rock, to be delivered to said Very, or to any agent of his, at Little Rock, and to be called for by said Very within twelve months from the date of said agreement, which was in writing; and that he had tendered such jewelry to said Very.

And during the progress of said suit, to wit, on the 25th of April, 1850, it was ordered by said court there, that John M. Ross be, and he was thereby, appointed a receiver in that case, to take charge of and safely keep the property alleged to have been tendered and offered to be brought into court by said Levy; and that said receiver execute bond with sufficient security to the plaintiff, Very, in that case, in the sum of $5,000 00, conditioned to safely keep and deliver and pay over to those entitled to the same, whenever the court should so order and decree. And thereupon the said Ross, as principal, and one Ebenezer Cummins and this defendant, as his securities, executed the writing obligatory mentioned in the plaintiff's declaration in this behalf.

And during the further progress of said suit in chancery the same came on to be finally heard; and on the 15th day of July, 1850, the said circuit court of the United States, then in chancery, rendered a decree therein whereby the defence set up by said Levy was fully sustained; but because the proof in said cause was not satisfactory to the court there, in respect of the value of the goods found to have been held and set apart by said Levy for the satisfaction of the residue of said mortgage debt, and then in the custody of said receiver, and held by him for that purpose, the court there further ordered, adjudged, and decreed, that Luke E. Barber be, and he was thereby, appointed a master in chancery, to take and state an account of the amount of the principal and interest accrued on the 3d day of March, 1844, on said note or obligation of said Levy, bearing date the 3d day of March, 1841, and payable six years after date, hereinbefore referred to, after subtracting therefrom the several amounts endorsed as credits thereon, and the aggregate thereof unpaid on said 3d day of March, 1844; and also that said master take an inventory and account of the goods placed by said Levy in the custody of said Ross as such receiver, showing the reasonable price and value of each and every particular article, or of the particular articles of each class of such goods, at Little Rock on the said 3d day of March, A. D. 1844, upon a sale of such amount made at one time and to one purchaser, and the aggregate value thereof at the day and place aforesaid; and that, for such purpose, the master take competent testimony and make report, &c. And on the 29th day of July, A. D. 1850, said master filed his report in said court there, in obedience to the orders and directions as aforesaid, and which report was duly confirmed by said court.

And on the 6th day of August, 1850, said cause there was further heard; whereupon it appearing to the court there that there was due on account of principal and interest upon the obligation of said Levy, held by said Very, from said Levy to said Very, the sum of $2,002 59, and that the aggregate value of the goods which said Levy had held and kept for the satisfaction thereof, and then

held by the receiver in that cause appointed by the court, out of which said Levy was ready and willing to pay said debt on the 3d day of March, A. D. 1844, and had ever since then been and still was ready and willing to pay the same, according to the terms of said contract and agreement between said Very and said Levy, bearing date on the 3d day of March, 1843, amounted to the sum of $5,776 $\frac{99}{100}$, showing an excess on the value of said goods above what was sufficient to satisfy the demand of said Very of $3,774 40. And said Levy having moved the court for an order on said Very to select and receive out of the goods aforesaid a sufficient amount to satisfy his said demand, and that the excess or residue thereof be released from said demand and restored to said defendant, Levy, to be disposed of as he should think proper, whereupon the said court there did further order, adjudge, and decree, that said complainant, Very, was duly entitled to take and receive out of the goods aforesaid such as he might select, to the value of $2,002 $\frac{59}{100}$, in satisfaction and full discharge of his mortgage aforesaid; and that said defendant, Levy, was entitled to the excess and residue thereof, to take, hold, and dispose of the same as he should elect; and that said complainant, Very, should proceed to make such selection from said goods and take and receive the same, according to the terms of his agreement aforesaid, to the said amount of $2,002 59, at the reasonable value thereof, at Little Rock, Arkansas, on the 3d day of March, A. D. 1844, in satisfaction and full discharge of the obligation aforesaid, within three days from the time he should be served with a copy of that order. And it appearing that the said Very resided out of the State of Arkansas, to wit, in the State of Indiana, it was therefore further ordered, that service of the order aforesaid upon his solicitor of record in that cause be deemed and taken as sufficient service thereof on him, the said Very.

And said court there did further order, adjudge, and decree, that if said Very should fail or refuse to make such selection as aforesaid from said goods to the value aforesaid, in discharge and full satisfaction of the obligation and mortgage aforesaid, within the period of time therein in that behalf prescribed, that that cause should then be, upon the happening of such event, referred to the same master in chancery; and that said master should thereupon, in the stead of said complainant, Very, proceed to select from and out of the goods aforesaid then in the hands of said receiver such quantity as should be fully equal in value to the said sum of $2,002 59, according to the appraisement thereof theretofore made by said master, or under his direction, and by him returned and filed in that cause on the 29th July, A. D. 1850, so as to make the stock selected embrace as good a variety of articles as possible for the business and trade of a jeweller or dealer in articles of such description; and that the master take such testimony as might be

proper to enable him to make such selection; and that the master make a report of his proceedings under that order, &c.

And afterwards, to wit, on the 13th day of August, 1850, the said complainant, Very, although duly notified in that respect, having failed and refused to make the selection enjoined upon him by the order and decree of said court there in respect thereof, the said master made and returned into court there his report, showing a division and separation made by him of said goods held by said receiver.

And on the 15th day of August, 1850, said last-mentioned report of said master was by said court in all things approved and confirmed. And the court then and there ordered, adjudged, and decreed, that the goods specified in said last-mentioned report of said master, and which had been selected and set apart by him for said complainant, Very, pursuant to the order and direction of the court there, be delivered by the said receiver to said complainant, Very, on demand; and it was thereby further ordered that said complainant, Very, do take and receive the same in satisfaction and full discharge of the residue unpaid on the said bond and mortgage upon which that suit was founded, that is to say: the sum of $2,002 59 found to be due and unpaid on said bond and mortgage on the said 3d day of March, 1844; and that the residue of the said goods mentioned and specified in said report of said master, filed in that cause on the 29th July, 1850, not mentioned or specified in said report of the master filed in that cause on the 13th August, 1850, be delivered by said receiver to said defendant on his demand, and upon his executing to said receiver a receipt therefor specifying therein the articles so delivered to him as the same are specified in the report of said master, filed as aforesaid on the 29th day of July, A. D. 1850. And that the bond and mortgage aforesaid are discharged and satisfied, and that, by such satisfaction thereof, the property mortgaged is absolved and released from all claims and lien of the said complainant founded upon the liability and mortgage deed aforesaid, for the enforcement whereof said suit was instituted; and that the relief prayed be denied, and that the said bill of the said complainant, Very, be, and the same is hereby, dismissed.

And after requiring the said Levy to pay certain fees and compensations awarded to said master for his services and certain witnesses whom he had summoned, said court went on to decree that said complainant, Very, do pay the general costs of said cause, including the specified amount of compensation awarded to said receiver, to be taxed, &c., and that the parties to said suit go hence without day, &c.

From which decree the said Very, by his solicitor, prayed an appeal to the Supreme Court of the United States, which was granted, and thereupon the said Very, with sufficient security, ap-

proved by the court, entered into an appeal bond in the sum of $200, conditioned for the prosecution of such appeal, and otherwise conditioned as prescribed by law in such case.

All of which the defendant will verify by an exemplification of the record and proceedings, in respect thereof, remaining in the said court there; and by means whereof, said goods and jewelry, so apportioned and set apart to said Very to the value of $2,002 59, and left in the hands of said John M. Ross, to be delivered to him on demand, became and was at the rendition of said last mentioned decretal order, specifically the absolute property of him, the said Very, subject only to the contingency of a reversal of said decree on the appeal of said Very, so granted to him; and defendant in fact says, that said Very did prosecute said appeal, and the same came on to be heard and submitted in the Supreme Court of the United States, and on consideration whereof, by the opinion and decision of said last mentioned court, and during the Dec'r term thereof, A. D. 1851, it was adjudged that said decree of said circuit court of the United States be and the same was in all things affirmed with costs, which were adjudged against said Very, and for which said Supreme Court ordered that execution be issued, which decree remains in full force, nowise cancelled, vacated or set aside.

And defendant for plea further says, that in order to obtain the usual mandate from said Supreme Court of the United States, said Levy was obliged to and did advance and pay the costs which had accrued and were adjudged in that court upon the determination of said appeal, and which costs were taxed and amount to a large sum of money, to wit, the sum of $145 83, and the costs of said suit in said circuit court, so as aforesaid adjudged against said Very, were taxed and amount to a large sum of money, to wit, to the sum of $93 31, and that by law and usage the mode of recovering said costs in the Supreme Court of the United States was, and is, by issuing execution therefor, from and out of said circuit court, to which the mandate was sent. And all of said costs remaining unpaid, said Levy caused a writ of fieri facias execution to be issued on the 15th February, 1853, for the recovery thereof, returnable to the 2d Monday of April, 1853. Said execution has been lost or mislaid and cannot now be produced; but defendant avers that it was regularly issued and tested on said 15th of February, 1853, and running in the name of the President of the United States; that it issued out of the office of the clerk of the said circuit court, was sealed and tested by the clerk thereof, and was returnable before said court, on the 2d Monday of April, 1853, and was directed to the marshal of the eastern district of Arkansas, and whereby, after reciting the decree aforesaid, and the mandate of said Supreme Court of the United States, said marshal was commanded, that of the goods and chattels, lands and tenements of the said

Martin Very, he cause to be made and levied the amount of all such costs therein stated and taxed to a large sum of money, to wit, the sum of $239 14, and which execution, soon after its issuance, and on the same day of the issuance thereof, came to the hands of Luther Chase, marshal of the United States for said district, and defendant avers that said execution was by said marshal, on the day the same came came to his hands, and before the return day thereof, levied on said lot of goods and jewelry, so as aforesaid apportioned and set apart to and as the property of said Martin Very, and so as aforesaid left in the hands of said receiver, John M. Ross, to be delivered to him; and that said marshal seized and took into his possession the said lot of goods and jewelry, under and by virtue of said execution, and that after such levy, said marshal duly returned said execution to said circuit court without further action. And on the 11th day of June, 1853, said Levy caused to be issued out of the office of the clerk of said circuit court a writ of venditioni exponas execution for the sale of said lot of goods and jewelry, and which writ of venditioni exponas has been lost or mislaid and cannot now be produced, but defendant avers that it was regularly issued out of the office of the clerk of said circuit ct., under seal and tested by the clerk thereof on said 11th day of June, 1853; that the same ran in the name of the President of the United States, and was directed to said marshal, whereby, after reciting the recovery of said costs in said circuit and Supreme c'ts of the United States, and the issuance of the said execution therefor, and the return of said marshal thereon, to the effect that he had levied the same on said lot of goods and jewelry of said Martin Very, in the hands of said John M. Ross, and the said marshal had the same in his possession unsold, and that said execution remained unsatisfied, he, the marshal, was then commanded that he expose for sale and sell said lot of goods and jewelry so levied on by him and remaining unsold, and have the proceeds of such sale before said circuit court on the 2d Monday of October, 1853, to which said writ of ven. ex. was made returnable to the end that satisfaction might be had of said costs, which were in said last mentioned writ stated and taxed to a large amount, to wit, the sum of $242 39, and which writ of ven. ex., soon after the issuance thereof, came duly to the hands of said marshal, who proceeded to and did duly advertise said lot of goods and jewelry for sale, to satisfy the same; and after such due notice, and at the time and place appointed in said notice, in the city of Little Rock, to wit, on the 5th day of July, 1853, said marshal proceeded to expose for sale, and sold at public auction to the highest bidder for ready money and in suitable parcels, the whole of said lot of goods and jewelry, the proceeds of which sale amounted to the gross sum of $260 00, and which writ of vendi. exp. was afterwards duly returned by said marshal to the office of said clerk of said circuit

court, and said proceeds, in whole or in part, were duly applied to the payment of said costs, and the costs and expenses of said sale.

By means whereof, the said lot of goods and jewelry were taken out of the possession of said John M. Ross by said marshal when he levied said writ of fieri facias execution, and the same were as aforesaid sold and disposed of by said marshal, for the satisfaction of said costs; and it became impossible for said Ross to deliver the same to said Very, or any agent of his; and defendant avers that said lot of goods and jewelry were the only property, goods, chattels, lands or tenements of or belonging to said Martin Very, within the state of Arkansas, or subject to the process of said circuit court, whereof satisfaction of said costs could be had or made on said execution.

And this the said defendant is ready to verify; wherefore he prays if the said plaintiff ought to have or maintain his aforesaid action thereof against him, &c.

GALLAGHER, BERTRAND & GARLAND,
Att'ys for Def't.

And for a second and further plea in this behalf, the said defendant says actio non, because he says, that the said John M. Ross, while said lot of goods and jewelry remained in his possession and custody, did not act so negligently, carelessly, and improperly in regard to the same that he threw the same loosely and promiscuously into a large wooden box, whereby the same was broken, wasted, corroded by rust, and wholly wasted and destroyed, and became utterly valueless, as is in said declaration in respect thereof alleged. And this the said defendant prays may be inquired of by the country.

GALLAGHER, BERTRAND & GARLAND,
Att'ys for Def't.

And for a third and further plea in this behalf the said defendant says actio non, because he says, that the said plaintiff, Martin Very, did not make or cause to be made, demand of the said John M. Ross, as such receiver, at the city of Little Rock, on the 10th day of April, 1853, to surrender and deliver up to him, the said Very, the said lot of goods and jewelry, in manner and form as is alleged in said declaration, in respect thereof; and this said defendant prays may be inquired of by the country.

GALLAGHER, BERTRAND, & GARLAND,
Att'ys for Def't.

Affidavit of Defendant.

I, George C. Watkins, do solemnly swear that before and ever since the commencement of this suit, Wm. Field, the clerk of the circuit court of the United States for the eastern district of Arkan-

sas, has been by reason of ill health incapable of attending to the business or duties of his office; that I have made and caused to be made repeated applications to Richard Searcy, the deputy of said Field in said office of clerk, having charge of the same, and the records, books and papers thereof, for said writs of fi. fa. and ven. ex. executions mentioned and referred to in the annexed and foregoing first plea, and that, so far as I know and believe, said deputy has made repeated and diligent searches of and among said records, books and papers, for said two executions, and has been unable to find the same, or either of them; and I verily believe the same have become and are lost or mislaid, so that the same cannot now be produced for or on behalf this defendant; and that, so far as I know or believe, no written or documentary evidence respecting said executions can now be found in the office of said clerk, except what appears in præcipe book and the execution docket of said court.

GEO. C. WATKINS.

Subscribed and sworn to in open court, 15th April, 1858.

WM. FIELD, *Clerk*.
By R. SEARCY, *D. C.*

Filed 17th April, 1858.

WM. FIELD, *Clerk*.
By R. SEARCY, *D. C.*

Proceedings had 21st April, 1858.

MARTIN VERY, Plaintiff,
vs.
GEORGE C. WATKINS, Defendant. } Debt.

This day comes said plaintiff, by Fowler and Stillwell, his attorneys, and files his demurrer to said defendant's first plea; and also files his similiter to said defendant's second and third pleas herein.

Similiter.

In the Circuit of the United States for the eastern district of Arkansas—April Term, A. D. 1858.

MARTIN VERY
vs.
GEORGE C. WATKINS. } In Debt.

And the said plaintiff, by attorney, comes and says, that as to the said pleas of the said defendant by him secondly and thirdly above pleaded, and whereof he puts himself upon the country, he, the said Martin Very, also does the like, &c.

Plaintiff's Demurrer.

And as to the said plea of the said defendant by him first above pleaded, he, the said Martin Very, says that the same, and the

matters therein contained, in manner and form as the same are therein pleaded and set forth, are not sufficient in law to bar or preclude him, the said Martin, from having or maintaining his aforesaid action thereof against him, the said George C.; and that he, the said Martin, is not bound by the law of the land to answer the same, and this he, the said Martin, is ready to verify; wherefore, for want of a sufficient plea in this behalf, he, the said Martin, prays judgment and his debt aforesaid, together with his damages by him sustained on occasion of the detention thereof, and by reason of the said breaches of the said condition of said writing obligatory to be adjudged to him, &c.

And the said Martin, according to the form of the statute in such case made and provided, states and shows to the court here the following cause of demurrer to the said first plea, that is to say:

That, in and by the said first plea, the said George C. affirmatively shows that the said goods, jewelry, &c., were in the hands and possession of the said John M. Ross, as receiver of the said circuit court in chancery, and under its custody and control, except as to the right of the said Very to demand, receive, and sue for the same as to such receiver, and that said goods, jewelry, &c., so being in the custody of such receiver, and of the said circuit court in chancery, were not subject or liable to be levied on by virtue of the said execution, or to be sold under the said writ of venditioni exponas, &c.

And also, that the said first plea is in other respects uncertain, informal, and insufficient, &c.

FOWLER & STILLWELL,
Att's for Plaintiff.

Filed 21st April, 1858.

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Proceedings had 23d April, 1858.

MARTIN VERY, Plaintiff,
vs.
GEORGE C. WATKINS, Defendant. } Debt.

This day come said parties, by their respective attorneys, and the demurrer heretofore filed herein to said defendant's first plea was *was* argued by counsel, and submitted to the court, and the court not being sufficiently advised thereon, takes the same under advisement.

Demurrer Overruled.

Proceedings had on 24th April, 1858.

MARTIN VERY, Plaintiff,
vs.
GEORGE C. WATKINS, Defendant. } Debt.

This day come said parties, by their respective attorneys, and the court being well and sufficiently advised of the law arising on the said plaintiff's demurrer to said defendant's first plea heretofore filed herein, doth overrule the same.

Issue Joined.

Proceedings had 26th April, 1858.

MARTIN VERY, Plaintiff,
vs. } Debt.
GEORGE C. WATKINS, Defendant.

This day come said parties, and the said plaintiff enters his general replication to said defendant's first plea, and said defendant enters his joinder all in short, by consent, upon the record.

Proceedings had 28th April, 1858.

MARTIN VERY, Plaintiff,
vs. } Debt.
GEORGE C. WATKINS, Defendant.

This day come the parties aforesaid, by their respective attorneys, and also come a jury, to wit: Thomas W. Steele, William R. Vaughan, Ladson L. Boone, Samuel C. W. Lewis, Sylvester Lee, Robert Slack, Thomas A. Allen, George Brodie, Edwin C. Galloway, William N. Tate, William M. Morrow, and Joseph H. Mottoe, being twelve in number, who were sworn well and truly to try the issues joined herein, and a true verdict to render according to the evidence; and after hearing the evidence on the part of the plaintiff, and a part of the evidence on the part of the defendant, the further proceeding in this case was postponed and adjourned over until to-morrow morning; and by consent of parties, it is ordered that the jury be allowed to disperse under the instructions of the court.

Trial, &c.

Proceedings had 29th April, 1858.

MARTIN VERY, Plaintiff,
vs. } Debt.
GEORGE C. WATKINS, Defendant.

This day come said parties, by their respective attorneys, and come also the jury sworn to try the issues joined in this case, and a true verdict to render according to the evidence; whereupon this case was proceeded in, and after hearing the evidence, as well on the part of the plaintiff as of the defendant, and the instructions of the court, returned into court here the following verdict, to wit: "We, the jury, find for the defendant on the issues joined.

"GEORGE BRODIE, *Foreman.*"

It is therefore considered, ordered, and adjudged by the court that the said plaintiff, Martin Very, take nothing by his said action

hereof against the said defendant, George C. Watkins, and that said defendant go hence hereof without day, and do have and recover of and from said plaintiff all his costs in and about this suit in this behalf expended, and that he have execution therefor.

And during the progress of the trial in this case various exceptions were taken by the said plaintiff to the rulings and decisions of the court as to the admissibility of the evidence adduced by the said defendant, and also to the instructions of the court, and leave was granted to said plaintiff until a future day of the present term of this court to prepare and file his formal bill of exceptions.

Proceedings had 6th May, 1858.

MARTIN VERY, Plaintiff,
vs.
GEORGE C. WATKINS, Defendant. } Debt.

This day come the said plaintiff, by his attorneys, and presents his bill of exceptions in this case in accordance with leave granted him at the trial of this case, to prepare and present the same at a future day of the present term of this court, which bill of exceptions is accordingly signed and sealed by the court, and ordered to become and constitute a part of the record in this case, together with the papers thereto annexed and therein referred to.

And thereupon said plaintiff files his writ of error to the Supreme Court of the United States in this case, and lodges a copy thereof with the clerk of this court; and also files his assignment of errors, and prays the court that his said writ of error be allowed, and the same is allowed accordingly, and the clerk of this court ordered to send up a transcript of the record, in obedience to said writ; and the said George C. Watkins, by George A. Gallagher, esq., his attorney of record, acknowledges in open court service in writing of the citation issued against him in this case.

And said plaintiff files the bond of Absalom Fowler and Joseph Stillwell in the sum of two hundred dollars, payable to the above named George C. Watkins, conditioned to prosecute the said writ of error in this case to the Supreme Court of the United States, which was duly approved by the Honorable Daniel Ringo, district judge of the United States, in and for the eastern and western districts of Arkansas.

Plaintiff's Assignment of Errors.

In the Circuit Court of the United States for the eastern district of Arkansas—April Term, A. D. 1858.

MARTIN VERY, Plaintiff,
versus
GEORGE C. WATKINS, Defendant. } In Debt.

And the said plaintiff intending to carry this cause to the Supreme Court of the United States by writ of error, comes and says,

that in the record and proceedings aforesaid, and in giving the judgment aforesaid, there is manifest error in the following particulars, to wit:

First. The said circuit court erred in refusing to admit in evidence the conversation of the said Cummins with said Fowler, a short time before the said demand made by the latter of said Ross for the said jewelry, touching the costs of said chancery suit, and the conversation and agreement between them touching the disposition of such jewelry at private sale for the payment of such costs.

Secondly. The said circuit court erred in permitting the said Danley to testify as to the value of the mass of jewelry levied upon by him as sheriff, some time before a part thereof was selected and set apart for the said plaintiff.

Thirdly. The said circuit court erred in refusing to exclude the said evidence of said Danley, after it had been given, touching such value, on motion of said plaintiff.

Fourthly. The said circuit court erred in permitting the said Giles to testify as to the value and condition of said mass of jewelry when so levied on by said sheriff, and long before a part thereof was so specially selected for said plaintiff.

Fifthly. The said circuit court erred in permitting the said Dotter to testify that, in the year 1848 said Levy took him into his store-room and showed him his jewelry, and that this same jewelry was then there, and that he had seen it there a hundred times, and it was in bad condition.

Sixthly. The said circuit court erred in permitting the said witness, Dotter, to testify as to the condition of the whole mass of the said jewelry at the time of said appraisement, and long before the special jewelry now in controversy was selected and set apart for the said plaintiff; and to testify to its want of value in 1844, contradicting the value fixed by him and said Kirk in their said appraisement.

Seventhly. The said circuit court erred in rejecting the proof offered on the part of the said plaintiff, that Ebenezer Cummins, who was the attorney of said Levy in said chancery suit, and a cosurety of the said defendant, Watkins, in the bond of said Ross as receiver, was one and the same person, and that the said affidavit of said Kirk was also in his, Cummins', handwriting.

Eighthly. The said circuit court erred in refusing to give to the jury the said instructions so moved on the part of the plaintiff.

Ninthly. The said circuit court erred in giving the said instruction to the jury in lieu of the one so offered by said plaintiff and refused.

Tenthly. The said circuit court erred in giving to the jury the said instructions so moved on the part of the defendant, and given.

And last, the said circuit court erred in rendering judgment in favor of the said George C. Watkins, whereas, by the law of the

land, the said judgment ought to have been rendered in favor of the said Martin Very.

Wherefore, for the errors aforesaid, and other errors in the record and proceedings aforesaid, the said plaintiff prays that the judgment aforesaid, in form aforesaid given, may be reversed, annulled and altogether held for nought, and that he may be restored to all things which he has lost by occasion of the said judgment, &c.

FOWLER & STILLWELL,
Atto. for Martin Very.

Filed 6th May, 1858.

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

Bond for Costs.

Know all men by these presents, that we, Absalom Fowler and Joseph Stillwell, are held and firmly bound unto George C. Watkins in the full and just sum of two hundred dollars, to be paid to the said George C. Watkins, his certain attorney, executors, administrators or assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

Sealed with our seals, and dated the sixth day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

Whereas lately at a circuit court in and for the eastern district of Arkansas, in a suit depending in said court between Martin Very, plaintiff, and the said George C. Watkins, defendant, judgment was rendered against the said Martin Very; and the said Martin Very having obtained a writ of error, and filed a copy thereof in the clerk's office of the said circuit court, to reverse the said judgment rendered in the said suit, and a citation directed to the said George C. Watkins, citing and admonishing him to be and appear at a Supreme Court of the United States, to be holden at Washington, on the first Monday of December next:

Now, the condition of the above obligation is such, that if the said Martin Very shall prosecute his said writ of error to effect, and answer all damages and costs if he fails to make good his plea, then the above obligation to be void, else to remain in full force and virtue.

A. FOWLER, [SEAL.]
J. STILLWELL. [SEAL.]

Signed, sealed and delivered, in presence of—
W. M. MATHENY.

Approved by—

DANIEL RINGO,
U. S. Judge.

Filed 6th May, 1858.

WM. FIELD *Clerk.*
By R. SEARCY, *D. C.*

Plaintiff's Bill of Exceptions.

In the Circuit Court of the United States for the eastern district of Arkansas—In the April Term, A. D. 1858.

MARTIN VERY, Plaintiff,
versus
GEORGE C. WATKINS, Defendant. } In Debt.

Be it remembered, that on the trial of this cause, before the court and jury, it was proved on the part of the plaintiff, against the objections of the defendant, by A. Fowler, a witness sworn in the cause, that he was the sole agent and attorney of the plaintiff, and still is, in Arkansas, for and in the prosecution of the suit in chancery mentioned in the declaration and in the first plea of the said defendant, and in the prosecution of this suit, and other suits connected with the same subject-matters, from the commencement thereof until the present time, and that his authority was full, and to manage and conduct such suits, and all the incidents thereto, in the same manner and to the same extent as if they were his own, and to use his best judgment and discretion in all things touching the same; and that such agency was originally constituted by parol, and so continued, although a written correspondence touching the business had existed after such authority had been given, as usually occurs confidentially between attorney and client; and that, after the decree in chancery referred to in the pleadings had been affirmed by the Supreme Court of the United States on appeal, to wit, on the ninth or tenth of April, A. D. 1853, at any rate on the Saturday immediately next preceding the commencement of the term of this court held on the second Monday of April, A. D. 1853, he, as the attorney and agent of the said Very, went to the bank-house of the Bank of the State of Arkansas, where John M. Ross, the receiver mentioned in said pleadings in this case, and in the proceedings in the said chancery cause, was doing business, and in the name of said Very demanded of the said John M. Ross, as such receiver, the jewelry which had been put into his possession as such for said Very under the orders and decree of said circuit court in chancery, and mentioned in the pleadings in this case, and estimated in such proceedings at a previous value of $2,002 59 cents, which said Ross, recognising the agency of the witness, refused to deliver, and alleged, as the reason for such refusal, that Ebenezer Cummins, esquire, the attorney and solicitor of said Levy in said chancery suit, had a few days previously, the precise length of time not recollected, notified and directed him not to deliver the same to Very or his agent, because that he, Cummins, intended to have an execution levied on it for the costs of the said chancery suit as the property of Very; and Fowler then asked Ross if the execution had been levied on the jewelry, and Ross said it had not; and Fowler then asked Ross to show him the jewelry; and Ross,

in a little room at the back of the banking-room, pointed out to him a dry-goods box apparently some three feet square or more, sitting in the corner of the little room, and said it contained all of the said jewelry, which, as such receiver, he held for Very under the orders in chancery aforesaid, and that there was then standing on the box a bucket of water, and pitcher, wash-basin, and tumbler, as if it had been used for a wash-stand; and that Ross, at the request of Fowler, removed them, and opened the box of jewelry, and they examined it together to the bottom of the box, and found it generally, if not all, covered and much of it corroded with rust, and ruined; that many of the chains, ear-rings, watches, finger-rings, and other articles were fastened together with the rust in bunches, and in the judgment of the witness the whole of the jewelry, by the corrosions and effects of the rust, had become almost wholly valueless; that some of the watches, on account of the rust, could not be opened by them, and others which they forced open could not be wound up on account of the rust; and that the whole mass of the jewelry seemed to be loose in the box, all mixed up together, and none of it, as far as he could see, wrapped up in papers or put up in small boxes. Of the foregoing facts detailed by the said witness, he said that he made a memorandum in writing at the time of such demand, refusal, and examination, and held the memorandum in his hand to refresh his memory at the time he was testifying, yet stated that he yet recollected them distinctly, without the aid of his memorandum alone.

Said plaintiff then offered to prove by said Fowler that a short time before this demand was made, in the latter part of the winter or in the spring of 1853, the said Cummins, the attorney of Levy in said chancery cause, and who was also one of the sureties of said Ross in his bond as such receiver, and a co-surety with the said defendant, Watkins, spoke to him about the costs of said chancery suit, and of said appeal to the Supreme Court, for which the said Fowler was then bound as surety for said Very; and that it was then, at the instance of the said Cummins, agreed between him and the said Fowler, that said Fowler, as the agent and attorney of the said Very, should take the jewelry out of the possession of the said Ross, and dispose of it at private sale to pay the costs aforesaid, and partly in pursuance of and to carry out this agreement the said demand was made of the said Ross, but to the introduction of which the said defendant, Watkins, by his attorneys, objected, on the ground that nothing which the said Cummins had said or done in the matter could be admitted as evidence in this suit against the said Watkins; and the court sustained such objection, and excluded such evidence; to which judgment and decision of the court the said plaintiff excepted at the time, and the same was noted down by the court, and time given the said Very to prepare and file his bill of exceptions, reduced to form on a future day of the term, and which is now done in the same term.

Said Fowler on cross-examination further testified, that what said Ross so said to him about such execution was all that he ever knew or heard about the same, or about the sale of jewelry alleged to have been made thereunder, until long after the day on which said sale was now alleged to have taken place; and that soon after said demand so made of said Ross, and after the business of this court, at the said April term, 1853, would permit him to leave it, he was absent from Little Rock, his place of residence, and of the residence of Ross, Cummins, Chase and Watkins, and in the latter part of May, 1853, went to Memphis, and returned by the way of Jackson and White circuit courts, where he was engaged until in the first of July, and thinks he did not reach home until about or after the fifth of July, and was, to the best of his recollection, at Searcy, in White county, some fifty miles distant, on the 4th of July.

The plaintiff then, against the objection of said defendant, after proving the signature thereto of the said John M. Ross to be genuine, read in evidence a paper filed among the records of said chancery cause as a part thereof, consisting of the receipt of the said John M. Ross, as such receiver, for the invoice of jewelry thereto attached, and an affidavit of John Kirk also attached thereto, and referred to in the receipt, and marked filed April 25, 1850, a true copy of which said receipt of said Ross, and the inventory and affidavit thereto annexed, is as follows, to wit:

Invoice of Jewelry levied upon by B. F. Danley, Sheriff of Pulaski county, as the property of Jonas Levy.

15 earrings } gold.
15 breastpins }
1 set earrings and breastpin (jet.)
6 pr. fine gold earrings.
129 breastpins plated.
17 large breastpins (pointed sets, with gold border.)
2 cameos.
28 breastpins (pointed sets, gold border.)
36 " (white and colored sets, gold.)
334 " plated.
11 " gold.
30 brass watches.
100 breastpins, gold plated.
30 gilt seals.
24 watch keys.
17 " chains.
134 breastpins.
32 pr. earrings, plated.
18 cigar tooths, silver.
3 doz. tooth-picks, silver.

3 dirks, silver scabbards.
2 cases knife, fork and spoon, each.
22 doz. gilt pins.
5½ do. do. do.
1 lot watch.
1 do. do.

In Box.

28 boxes steel pens.
41 sugar crushers.
215 German silver watch guards.
2 gross patent leather buttons.
6 doz. brass waist buckles.
1 razor and 1 dirk knife.
4 cards pat. leather vest buttons.
3 " " " coat "
2 gross brass watch keys.
5 large German silver spoons.
17 ivory-handled butter knives.
11 G. S. " " "
3 doz. Tally-ho razors.
1 " boxes steel pens.
10 dessert knives.
1 steel fob chain and key.
1 doz. gum-elastic pant. straps.
2 " G. S. table-spoons.
5⅓ " " dessert forks.
3 cards brass fob chains.
10 " breastpins and earrings, (brass.)
4 boxes hooks and eyes.
23 cards G. S. pens and pencils.
6 thimbles.
33½ doz. brass guard chains.
1 doz. bead clasps.
1 card earrings and breastpin.
1 doz. finger-rings.
1 box breastpins.
5 magnifying glasses.
1 doz. fine gilt guard chains.
23 cards fancy waist buckles

In Barrel.

2 bunches pen-holders.
1 shaving-box.
14 pocket-books, (large size.)
6 do. (medium.)
10 do. (small.)
2 doz. Tally-ho razors.

7 common spectacle cases.
2 doz. brass watch keys.
59 steel fob chains.
8 packages suspender buckles.
1 doz. G. S. dessert-knives.
2 " common single-blade pocket-knives.
6 common razors without cases.
31 doz. finger rings.
1 box containing 161 breastpins
12 cards brass watch keys.
5 pearl-handle 4-blade pocket-knives.
23 G. S. dining forks.
1 doz. G. S. dessert knives.
12 razors with cases.
11 fine spectacle cases.
1 box containing 72 doz. finger rings.
1 " " 11⅓ " breastpins.
1 " " 2 medals.
1 " " 113 breastpins.
20 cards pens with holders.
20 razors without cases.
10 G. S. table-spoons.
5⅔ doz. G. S. teaspoons.
19 pr. G. S. sugar tongs.
1 doz. gilt chains on cards.
1 box containing 226 breastpins.
30 brass chains.
1 box cont'ng 1 silver pencil, 1 breastpin and part of gold earring.
4 cards (22) pocket knives.

Box No. 2.

5 cases jewelry.
3 cards steel watch hands.
10 " brass and steel fob chains.
5 " fancy necklace chains.
16 " watch springs.
12 " brass watch keys.
40 " pens and holders.
3 doz. Tally-ho razors.
26 " G. S. table-spoons.
17 largest size table-spoons.
42 large soup ladles.
10 medium size ladles.
7 small size ladles.
11 superior razors with cases.

2 doz. ivory-handled dessert-knives.
1 " pr. snuffers.
1 " G. S. butter-knives.
8 " pant. strops.
2 bundles pen-holders.
18 cards G. S. pens and pencils.
15 G. S. dessert-knives.
77 doz. G. S. dessert-forks.
18 cards G. S. pencils.
24 doz. G. S. thimbles.
85 pocket-knives.
½ doz. razor strops.
5 small steel chains.
23 pat. leather belts.
1 piece buckskin.
1 gross steel pens in boxes.
8½ doz. G. S. large fish-knives.
17 boxes percussion caps.

Box No. 3.

85 fine red spectacle cases.
4 pr. bracelets.
3 pouches containing papers.
1 bundle papers and one account-book.
22 common spectacle cases.
62 " pen-holders.
16 razors without cases.
2 gross pat. leather buttons.
2 cards fine pocket-knives and 5 pr. scissors.
2 doz. G. S. caster-spoons.
3 " fine razors.
42 common steels.
10 extra fine steels.
1 doz. ivory-handled knives and forks.
60 fine waist buckles.
3 doz. pant. strops.
4½ " pocket-knives.
22 pr. brass dividers.
1 magnify. glass.
1 sugar crusher.
20 strands gilt beads.
13 pr. wire bracelets.
4 doz. G. S. teaspoons.
20 cards G. S. pencils.
98 boxes jewelry, earrings, and breastpins assorted.
31 extra fine pocket-knives.
8 pr. scissors.

3 doz. G. S. table-spoons (extra size.)
7 cases jewelry.
2 bunches jewelry crosses.
1 box percussion caps.
1 large fish-knife.
1 dessert-knife.
12 doz. pat. leather belts.
11 wire guard-chains.
50 cards G. S. pens and pencils.

Box No. 4.

9 boxes wafers.
2 packages pant. strops.
1 accordeon.
1 epaulette.
4 bunches guard-chains.
2 packages fob-chains.
7 razor-strops.
104 G. S. thimbles.
6 cards necklace-chains.
1 large package guard-chains.
8 cards waist buckles.
3 doz. finger-rings.
2 G. S. caster-spoons.
1 pr. bracelets.
2 pr. brass dividers.
10 breastpins.
14 cards earrings.
1 " shoe-buckles.
2 " beads.
1 cigar holder.
1 box earrings.
4 fine pearl-handled pocket-knives.
10 cards watch keys.
1 card (4) pocket-knives.
3 spectacle cases.
1 card pens.
2 doz. G. pens and pencils.
1 box percussion caps.
1 " steel pens.
2 sugar crushers.
5 pr. spectacles.
18 quizzing-glasses.
1 G. S. tooth-pick.
1 small bracelet-chain on card.
1 bunch small red beads.
3 G. S. dessert-forks.

1 G. S. table-spoon.
5 cases jewelry.

Box No. 5.

79 thimbles.
3 cards pat. leather buttons.
4 doz. finger-rings.
172 breastpins.
1 pr. bracelets.
1 pr. earrings.
1 box breastpins.
2 fine razors.

Box No. 6.

164 doz. fine rings.
37 " common rings.
1 G. S. dessert-fork.
4 G. S. pens and pencils.
2 spectacle cases.
156 breastpins.
2 cards beaded jewelry.
1 odd earring.
1 card vest-buttons.
1 ready reckoner.

Show-case No. 1.

11 common purses.
17 razors in cases.
1 razor-strop.
6 spectacle-cases.
5 pocket inkstands.
52 G. S. tea spoons.
9 G. S. table "
4 G. S. caster "
3 cards brass watch-keys.
4 " G. S. pens and pencils.
3 imitation fruits.
17 steel fob-chains.
1 bunch beads.
1 brass guard-chain.
2 fine necklace-chains.
1 card beads.
1 fine gilt bead-chain.
1 strand wax beads.
2 cards pens.
1 card fine pearl-handled pocket-knives (2.)
2 boxes wafers.

1 spy-glass and case.
1 case for spy-glass.
9 fine waist-buckles.
17 pr. wooden pocket-combs.
1 pocket-compass.
8 do knives.
86 breastpins.
3 tooth-brushes.
2 fine brass fob-chains.
15 pen-holders.
6 cedar pencils.
64 watch-seals.
31 thimbles.
2 pr. snuffers.
5 " cloak-clasps.
1 watch (incomplete.)
1 fine lancet.
2 ivory-handled G. S. dessert knives.
1 box containing 3 pr. scissors and 1 pr. brass dividers.
1 pr. G. S. spectacles.
2 " tortoise "
5 toys.
1 G. S. tooth-pick.
2 boxes black hooks and eyes.
2 cards buttons.
146 finger-rings.
1 set silver gilt earrings and breastpin.
3 loose watch-keys.
1 brass medal.
3 boxes gilt earrings and breastpin.
5 sets earrings.
1 bracelet.
21 brass tubes.

Box No. 7.

1 bunch wire guard-chains.
21 pr. G. S. spectacles.
16 steels.
6 large Wilson's butcher-knives.
6 me lium " "
7 small " "
4 carving-knives and forks.
12 doz. pat. leather belts.
2 doz. large G. S. ladles.
8 large G. S. fish-knives.
2¾ doz. ivory-handled dessert-knives.
4 pr. wool cards.

1 case dessert-knife, fork and spoon.
19 G. S. table-spoons.
3 doz. G. S. teaspoons.
1 doz. thumb lancets.
7 packages pocket-knives.
5 " bracelets.
1 package G. S. guard-chains.
2 packages brass fob "
2 " steel " "
1 gross martingale hooks.
37 packages pat. leather buttons.
36 doz. waist buckles.
3 doz. ivory-handled dessert knives.
1 package knives and forks.
4 gross brass watch-keys.
9 spectacle cases.
1 package G. S. pencils.
1 card pocket-knives.
2 butter knives.
81½ doz. thimbles.
1 fob-chain on card.
1 box pencil points.
1 card steel pens.
1 pr. pant. straps.
16 large packages and 70 small boxes (loose) jewelry, assorted.

Box No. 8.

230 gross pat. leather buttons, assorted sizes.
4 casters.
232 boxes jewelry, assorted.

Box No. 9.

10 pen-holders.
32 gross pat. leather buttons.
73 small boxes jewelry, (breastpins.)
5 packages G. S. pens and pencils.
1½ doz. necklace chains.
2 doz. dessert knives.
10 large packages, small boxes jewelry, assorted.
1 bundle sugar crushers.
26 doz. pat. leather belts.
20 bundle straps.
5 pr. bracelets.
17 packages Tally-ho razors.
8 packages common razors.
2 " steels.
9 " common pocket-knives.

10 packages waist buckles.
3 cards pearl-handled pocket-knives.
1 package 6-inch rules.
4 pr. snuffers.
1 package bead medals.
2 doz. brass thimbles.
91 doz. G. S. "
1 cut-glass seal.
2 packages steel fob-chains.
1 " brass "

Box No. 10.

115 packages pat. leather buttons.
1½ pr. bracelets.

Show-case No. 2.

1 accordeon.
1 pr. tailor's shears.
2 pistols.
1 box black cord.
193 breastpins.
14 doz. boxes white hooks and eyes.
1 case containing dessert knife, fork, and spoon.
11 cards fancy breastpins.
1 box tapers.
19 waist buckles.
81 G. S. pencils.
4 spools purse silk.
2 sets purse rings.
1 set purse tassels.
1 fine gilt bead necklace.
1 bunch black beads.
2 bunches amber beads.
11 pr. earrings.
1 G. S. fish-knife.
9 cigar-holders.
2 pr. white silk gloves.
1 Spanish dirk.
1 hunchback whistle.
2 silver medals.
3 magnifying glasses.
1 brass locket.
1 doz. G. S. dessert forks.
1 fine necklace chain.
22 fine spectacle cases.
2 toy whistles.
1 box wafers.

1 box steel pens.
28 pr. tortoise spectacles.
2 razors, with cases.
2 " common.
5 pocket-books.
16 pr. iron spectacles.
3 money purses.
1 opera glass.
1 mourning necklace.
1 pr. bracelets.
1 box p. caps.
1 spy-glass and case.
29 pocket-knives.
1 pr. snuffers.
41 pen-holders.
1 6-inch rule.
3 pat. leather belts.
2 fine stamps.
1 doz. whalebone.
32 G. S. thimbles.
3 pr. curtain-holders.
1 case finger-rings.
17 packs playing-cards.
2½ doz. G. S. teaspoons.
66 strands imitation coral beads.
8 G. S. table-spoons.
2 steel fob-chains.
1 paper paints and brushes.
1 large package mainsprings for watches.
1 lot fiddle-strings.
3 doz. boxes pencil-points.

In the Iron Safe.—In Case No. 1.

80 breastpins.
3 gold pencils.
6 silver thimbles.

In Case No. 2.

20 watches.

In Case No. 3.

65 breastpins.
1 doz. gold pens, with silver cases.

In Case No. 4.

18 pr. earrings.
8 breastpins.
4 pr. earrings.

1 pr. studs.
1 box watch keys.
1 small case common rings.

In Case No. 5.

102 fine rings.
2 pr. earrings.
1 set sleeve buttons.
1 breastpin.
1 watch-holder.
20 watch keys.
3 " and chains, (common.)
2 " " (gold.)
1 watch seal.
1 silver pencil.
1 clasp.
6 pr. gold earrings.

In Case No. 6.

55 breastpins.
1 pr. gold clasps.
6 fine gold studs.
4 quizzing-glasses.
1 card necklace-chains.

In Case No. 7.

68 breastpins.
4 cigar-holders.

In Case No. 8.

3 papers pens, pencils and stamps.
½ doz. brass guard-chains.
3 G. S. guard-chains.
4 common brass do.
1 strand black beads.
6 pr. earrings and breastpin.
1 card clasps.
8 breastpins.
5 quizzing-glasses.
1 fine waist-buckle.
1 silver snuff-box.
1 set black studs.
8 thumb-lancets.
43 finger-rings.
2 music-boxes.
21 pr. silver spectacles.

Four small cases containing 154 fine rings.
2 " breastpins.
2 sets silver plated liquor stands.
5 " " " cruet "

LITTLE ROCK, ARK'S, *April 25th*, 1850.

I, John M. Ross, as receiver appointed by the circuit court of the United States for Arkansas district, in the case therein depending of Martin Very vs. Jonas Levy, have received into my custody, and now have various articles of merchandise, jewelry, &c., a general description whereof and of the value is contained in the preceding inventory and the annexed affidavit of John Kirk.

JOHN M. ROSS, *Receiver*.

LITTLE ROCK, ARK'S, *April 25th*, 1850.

I, John Kirk, a jeweller in the city of Little Rock, Arkansas, have examined a lot of goods, jewelry, &c., consisting of various articles usually kept in jewellers' stores, this day placed by Jonas Levy in the hands of John M. Ross, appointed receiver in the United States circuit court for this district; and I do state the said goods, jewelry, &c., are worth in value, at present current prices, at least three thousand four hundred dollars, and I have no doubt upon a careful examination they would be found to be worth much more. And I further state, that most of said goods and articles have depreciated at least 25 per cent. in value since 1843, 1844; an inventory of which property is hereto annexed, containing a general description of the various kinds of said property.

JOHN KIRK.

Subscribed and sworn to in open court this 25th day of April, 1850.

Attest:

WM. FIELD, *Clerk*.
By R. SEARCY, *D. C.*

Filed 25th April, 1850.
Attest: WM. FIELD, *Clerk*.

And it was admitted by both plaintiff and defendant, without encumbering the record with copies of the same, that each and every order and decree of the said circuit court in chancery, in the said case of Martin Very against Jonas Levy, touching the said jewelry, in any manner whatever, is precisely as is alleged in the said declaration and in the said first plea in this case; and, as such, are received and admitted and used in evidence in this cause before the court and jury, by the consent of the parties hereto, down to, but not including, the said alleged writs of execution and proceedings thereon and thereunder.

The defendant then read in evidence the following papers, on

file in the said chancery cause, as a part of the records thereof, and connected with said orders and decrees, to wit: an inventory and appraisement of jewelry in the hands of said Ross, as receiver, made by Luke E. Barber, master in chancery, and filed in that cause, July 29th, 1850; and said master's account and report of the amount due from Levy to Very on the 3d of March, 1844, and filed July 29, 1850, and the report of said master of the selection of jewelry, &c., for said Very, and marked filed August the 13th, 1850, and true copies of which said three papers are as follows, in consecutive order, to wit:

In the Circuit Court of the United States for the district of Arkansas, on the chancery side thereof.

MARTIN VERY
vs.
JONAS LEVY et al.

An inventory and account of certain goods placed by the defendant, Levy, in the custody of John M. Ross, receiver, appointed by said court, showing the reasonable price or value of each and every particular article as the particular articles of each class, at Little Rock, Arkansas, on the 3d day of March, 1844, upon a sale thereof at one time and to one purchaser, as ascertained upon the testimony of Marcus Dotter and John Kirk, witnesses summoned at the request of said defendant, Levy, and who were duly sworn before Luke E. Barber, master in chancery, well and truly to appraise and value said goods, as upon a sale thereof on the 3d day of March, 1844, to one person, and true evidence to give in the premises on the 16th, 17th and 19th July, 1850, viz:

15 pr. earrings and breastpins, at $10 per set.....	$150 00
1 set do. do. jet.....	8 00
6 pr. fine gold earrings, at $4 pr.....	24 00
129 plated breastpins, 10¾ doz., at $4 per doz	43 00
17 large breastpins, painted, with sets, with gold borders, at $1 25 ea.....	21 25
2 cameos, 2 50 ea., 5 00; 28 breastpins, at 15 per doz., $35	40 00
38 breastpins, 1 50 ea., $57; 334 plated breastpins, $8, ea., $83 50.....	140 50
11 gold breastpins, at 1 25 ea., 13 75; 30 brass watches, at 2 00 ea., $60.....	73 75
334 plated breastpins, $6 per doz., $167; 30 gilt seals, at 1 50 pr. doz., 3 75.....	170 75
24 watch keys, at 25 ea., $6 00; 17 keys and chains, at $1 ea., $17.....	23 00
129 plated breastpins, at 50, $64 50; 35 pr. plated earrings, at 75 ea., $26 25.....	90 75

18 cigar tooths, silver, $1 00 ea., $18; 3 doz. tooth-picks, silver, 2 25 doz., $6 75	$24 75
3 dirks, silver scabbards, at 3 ea., $9; 2 cases knife, forks and spoons, at 1 50, $3 00	12 00
6½ doz. gilt pins, at 3 doz., $18 25; 2 doz. gilt pins, at 6 00, $12 00	30 25
1 lot of lunette glasses, say 1 25 doz., at 75 pr. doz	93 75
1 do. do. 187 doz., at 25 pr. doz	46 75
9 boxes wafers, 10, 90 c.; 2 packages pant. straps, at 1 00 ea., 2 00	2 90
1 accordeon, 25 c.; 1 epaulette, 50 c	75
4 bunches guard chains, at 1 00, $4 00; 2 packages fob chains, at 1 ea., $2 00	6 00
7 razor strops, 75; 109 G. S. thimbles, 50 c. doz., $4 54	5 29
6 cards necklace chains, at 1 00, $6 00; 1 large package guard chains, 1 00	7 00
8 cards waist buckles, at 50 c., $4 00; 3 doz. finger-rings, at 50, 1 50	5 50
2 G. S. caster spoons, 25; 1 pr. bracelets, 50	75
2 pr. brass dividers, at 25, 50; 10 breastpins, 50	1 00
14 cards earrings, at 12½, $1 75; 1 card shoe buckles, 10	1 85
2 cards beads, at 10, 20 c.; 1 cigar-holder, 1 00	1 20
1 box earrings, 50; 4 pearl-handled pocket-knives, at 50, $2 00	2 50
10 cards watch chains, at 10 c., $1 00; 1 card (4) pocket-knives, at 50 ea., $2 00	3 00
3 spectacle cases, at 10, 30 c.; 1 card pens, at 10	40
2 doz. G. S. pens and pencils, at 2 00, $4 00; 1 box percussion caps, 25	4 25
1 box steel pens, 3 00; 2 sugar crushers, at 50, $1 00	4 00
5 pr. spectacles, at 25, $1 25; 17 quizzing-glasses, (common,) $17 00	18 25
1 G. S. tooth-pick, 00; 1 bunch small red beads, 10	10
3 G. S. dessert forks, at 25 c., 75; 1 G. S. table-spoon, 25	1 00
3 cases gilt jewelry, 75, 3 75; 12 cards pens and pencils, at 1 25, $15 00	18 75
7 gilt buckles, at 10, 70; 1 string beads *beads,* (rosary) 50	1 20
133 gold rings, (in 8 cases,) at $2, $266 00; 20 gilt rings, (case,) at 12½, 2 50	268 50
57 pr. earrings, in paper box, at 75, $38 25; 1 case G. S. knife, fork and spoon, 1 50	39 75
160 breastpins, in paper box, at 75, $40 00; 44 plated finger-rings, at 17½, 5 50	45 50

21 silver spectacles, at 1 25, 26 25; 64 plated watch seals, at 75, 48 00	$74 25
3 pr. silver earrings, $1 00, $2 50 and $2 00	5 50
1 waist buckle, 1 50; 5 quizzing-glasses, at 2 50, $12 50	14 00
5 gilt guard chains, at 10, 50; 3 G. S. guard chains, at 25, 75	1 25
1 gold pin, 2 00; 1 pr. jet earrings, 3 00	5 00
½ doz. gold snaps, at 37½ ea., 2 25; 7 breastpins, at 25, 1 75	4 00
4 breastpins, at 10, 40; 3 gilt guards, at 25, 75	1 15
8 thumb lancets, at 75, 6 00; 3 cases pens, pencils and holders, at 30, 90	6 90
2 musical boxes, at 3 50, 7 00; 1 breastpin, stud and pins, 1 lot, 50	7 50
1 silver snuff-box, 2 50; 1 gold dice box, 4 00	6 50
20 watches, viz: 1 brass, $2 00, 8 silver do., at $5 ea., 40 00	42 00
6 silver watches, at $8 ea., 48 00; 3 do., $10 ea., 30 00	78 00
1 gold repeater, $25 00; 1 without back, 3 00	28 00
80 gold rings, at 30 c., 24 00; 8 broad do. rings, at 75 ea., 6 00	30 00
32 gold rings, at 1 25, 40 00; 1 set gold sleeve buttons, 2 50	42 50
1 watch-hook, 2 00; 2 pr. earrings, at 1 25 ea., 2 50	4 50
1 gold pearl pen, 1 50; 2 gold clasps, at 50, 1 00	2 50
6 pr. gold wire earrings, at 37½, $2 25; 2 gold watch seals and chains, at 3 ea., 6 00	8 25
18 plated wateh keys, at 50, $9 00; 1 gold key, 1 25	10 25
1 gold chain-hook, 2 00; 1 gold seal, 3 00	5 00
3 gold keys with chains, at 1 50, 4 50; 6 keys, at 25 ea., 1 50	6 00
4 quizzing-glasses, at 5 00, 20 00; 1 do., 2 50	22 50
1 gilt chain, 1 00; 11 gold breastpins, at 1 50, 16 50	17 50
2 gold clasps, at 50 ea., 1 00; 1 set gold studs, 1 25	2 25
2 plain studs, at 1 25, 1 50; 16 plated breastpins at 75 ea., 12 00	13 50
18 plated breastpins, at 50, 9 00; 7 do. do., at 25 ea., 1 75	10 75
4 cigar-tooths, at 1 00, 4 00; 2 cameo pins, at 2 50, 5 00	9 00
2 painted gold pins, at 2 00, 4 00; 12 do. do., at 1 50, 18 00	22 00
40 plated do., at 75, 30 00; 14 do. do., at 50, 7 00	37 00
1 doz. gold pens, silver cases, 18 00; 26 gold breastpins, at 1 50, 39 00	57 00

27 plated breastpins, at 75, 19 75; 11 do. do., at 50, 5 50	$25 75
1 hair-pin ; 2 small gold pencils, at 2 50	5 00
1 large gold pencil, 5 00; 24 gold breastpins, at 1 50, 36 00	41 00
46 plated breastpins, at 75, 34 50; 18 plated do. do., at 50, 9 00	43 50
6 silver thimbles, at 35, 2 10; 7 pr. gold earrings, 5 00, 35 00	37 10
1 pr. silver earrings and pin, 2 00; 4 common do., at 1 50, 6 00	8 00
3 plated do. with pins, at 2 00, 6 00; 2 do. at 75, 1 50,	7 50
3 do. do., at 50, 1 50; 3 pr. gold earrings tops, at 1 50, 4 50	6 00
1 set studs, 1 00; 1 pr. gilt earrings tops, at 25	1 25
1 box plated finger-rings, 1 50; 9 silver tooth-picks, at 1 50, 13 50	15 00
39 keys, at 12½, 4 87; 1 brass chain, 25	5 12
21 brass pocket inkstands, at 25, 5 25; 34 plated breastpins, at 25, 8 50	13 75
10 plated breastpins, at 50, 5 00; 4 gold do., at 1 50, 6 00	11 00
8 gilt buckles, at 25, 2 00; 4 G. S. pencils, at 15, 60	2 60
2 plated fob-chains, at 10, 20; 1 pr. G. S. specks, at 25	45
2 pr. shell spectacles, at 50, 1 00; 3 tooth-brushes, at 15, 45	1 45
4½ doz. G. S. teaspoons, at 1 50, $6 75; 3 mustard spoons, at 12½, 37	7 12
8 G. S. table do., at 2 00, 16 00; 4 cards G. S. pencils, at 50, 2 00	18 00
17 breastpins, at 10, 1 70; 4 pr. gilt earrings, at 50, 2 00	3 70
3 do. earrings with pins, 75, 2 25; 2 1 5/2 G. S. thimbles, at 1 20	3 70
1 watch movement, 5 00; 5 whistles, 10	5 10
17 razors, at 50, 8 50; 11 purses, at 75, 8 25	16 75
5 pocket inkstands, at 10, 50; 6 spectacle cases, at 10, 60	1 10
1 pocket spy-glass, 75; 1 razor strop, 50	1 25
3 pr. scissors, at 25, 75; 2 G. S. butter knives, at 75, 1 50	2 25
1 gilt bracelet, 25; 2 pocket-books, at 37½, 75	1 00
8 pocket-knives, at 25, 2 00; 2 pr. snuffers, at 25, 50.	2 50
1 amber necklace, 1 50; 3 gilt buckles, at 50, 1 50...	3 00
1 string gilt beads, 50; 2 gilt chains, at 1 00, 2 00...	2 50
1 gilt chain, 25; 18 steel chains, at 10, 1 80	2 05

9 strands glass beads, at 5, 45; 2 bunches beads, at 20, 40	$0 85
1 card jet beads, 25; two knives at 25, 50	75
12 doz. brass finger-rings, at 25, 3 00; 17 pen-holders, at 1 c., 17	3 17
6 pencils, black lead, at 5, 30; 3 brass breastpins, at 50, 1 50	1 80
5 cloak-clasps, at 25, 1 25; 3 cards watch-keys, at 25, 75	2 00
2 boxes wafers, at 10. 20; 1 pr. earrings, at 5 c	25
1 lot wooden combs, 10; 1 lot steel pens, 30	40
1 lot buttons, 25; 1 pr. dividers, 25	50
1 set bronze buttons, 50; 1 thumb lancet, 50	1 00
3 stone lemons, at 10, 30; 1 snuff-box, 10, 40	40
12 doz. brass rings, at 25, 3 00; 17 packs playing-cards, at 15, 2 55	5 55
1 small spy-glass, 75; 3 hand-mirrors, at 37½, 1 12	1 87
1 lot coral beads, 1 00; 16 dirk knives, at 37½, 6 00	7 00
12 penknives, at 20, 2 40; 1 lot whalebone, 10	2 50
5 pocket-books, at 12½, 62; 22 spectacle cases, at 10, 2 20	2 82
4 razors, at 25, 1 00; 3 purses, at 10, 30	1 30
4 spools purse silk, at 15, 60; 2½ dozen teaspoons, at 75, 1 87	2 47
8 G. S. table-spoons, at 2, 16 00; 1 doz. G. S. forks, 3 50	19 50
1 G. S. fish-slice, 1 50; 40 pen-holders, at 1 c., 40	1 90
2 pieces old silver, $1 00; 1 box steel brads, 25	1 25
1 box steel pens, 50; 2 do. percussion caps, at 25, 50	1 00
1 rule-knife, 50; 1 miniature locket, 75	1 25
1 necklace, 10; 1 box wafers, 10	20
1 p'r snuffers, 50; 1 lot catgut, 75	1 25
16 p'r spectacles, at 20, 3 20; 30 shell do., do., at 50, 15 00	18 20
58 G. S. pencils, at 16⅔, 9 66; 9 silver pencils, at 50, 4 50	14 16
1 p'r tailor's shears, 2 50; 2 pistols, at 1, 2 00	4 50
1 opera-glass, 2 50; 1 lot cord, 50	3 00
1 accordeon, 1 00; 3 belts, at 12½, 37	1 37
24 doz. mainsprings, at $3, 72 00; 4 doz. G. S. butter-knives, at $9, 36 00	108 00
1 do. butter-knives, 9 00; 27 5/12 table-spoons, $4, 109 66	118 66
40 soup ladles, at 2 50, 100 00; 10 soup ladles, at 1, 10 00	110 00
7 do. small, at 75, 5 25; 18 gravy spoons, at 75, 13 50	18 75
8 5/12 fish-slicers, at 1 50 ea., 151 50; 37 10/12 dessert forks, at $4 doz., 151 33	302 83

45 table-forks, at 7 00 doz., 26 25; 2½ doz. butter-knives, at 9, 22 50	$48 75
3 1/12 razors, at 50 ea., 23 50; 6 razor strops, at 50, 3 00	26 50
11 p'r snuffers, at 75, 8 25; 112 dirk-knives, at 50, 56 00	64 25
24 doz. G. S. thimbles, at 50 doz., 12 00; 18 doz. G. S. pencils, at $2, 36 00	48 00
40 cards steel pens, at 25, 10 00; 13 doz. mainsprings, at 2 50, 32 50	42 50
12 doz. brass watch keys, at 50, 6 00; 12 cards steel fob-chains, at 1 50, 18 00	24 00
2 bunches pen-holders, at 50, 1 00; 76 boxes steel pens, at 50, 38 00	39 00
5 boxes jewelry, at 75, 3 75; 4 doz. p'r straps, at 50, 2 00	5 75
17 boxes percussion caps, at 25, 4 25; 5 steel guard-chains, at 50, 2 50	6 75
1 1/12 doz. leather belts, at $2, 3 83; 5 ladies' neck chains, at 1, 5 00	8 83
1 piece buckskin	
343 sets earrings and pins, at 37½, 128 62; 59 boxes breastpins, at 25, $14 75	143 37
288 boxes breastpins, at 10, 28 80; 1 box rings, 25	29 05
48 cards brass watch keys, at 50, 24 00; 75 doz. G. S. thimbles, at 50, 37 50	61 50
1 p'r plated earrings, 75; 2 10/12 boxes leads, at 30, 85	1 60
1 paper martingale hooks, 75; 9 spectacle cases, at 10, 90	1 65
5 doz. G. S. watch-chains, at $4 doz., 20; 4 doz. steel do., at 1 50, 6 00	26 00
48 cards steel fob-chains, at 50 card, 24 00; 33 cards brass do., at 25, 8 25	32 25
36 doz. brass buckles, at 75, $27 00; 51 p'r brass bracelets, at 25c., 12 75	39 75
6 doz. G. S. thimbles, at 2 00, 12 00; 1 5/12 doz. G. S. spoons, at $4, 5 66	17 66
3 do. teaspoons, at 2 00, 6 00; 3 butter-knives, at 9, 27 00	33 00
9 fish-slicers, a 1 50, 13 50; 1 set knives and forks, (dessert and dinner,) 10 00	23 50
1 case, knife, fork, and spoon, 1 50; 2 G. S. butter-knives, at 75, 1 50	3 00
1 bundle wire guard-chains, 1 00; 11 pocket-knives on card, at 50, 5 50	6 50
7½ doz. pocket-knives, at 25 ea., 22 50; 1 doz. thumb lancets, at 75 ea., 9 00	31 50
2 8/12 doz. G. S. butter-knives, at $9, 24; 6 large knives, butcher, at 75, 4 50	28 50

6 smaller knives, at 50, 3 00; 7 small do., at 25, 1 75	$4 75
3 carving-knives, at 75, 2 25; 24 G. S. ladles, at 2 50, 6 00	62 25
8 butcher-steels, fine, at 75, 6 00; 8 table do. at 25, 2 00	8 00
12 doz. leather belts, at $2, 24; 21 spectacles, at 25, 5 25	29 25
4 p'r wool cards, at 25, 1 00; 36 papers black buttons, at 35 c., 12 60	13 60
1 watch-chain key, 25	25
2 liquor stands, at $7, 14; 2 plated cruet stands, at $9, 18 00	32 00
1 plated cruet stand, 4 00; 6 do. common, at 2, 12 00	16 00
155 boxes breastpins, (1 doz. in box,) at 25, 38 75; 38 boxes rings, at 25, 12 00	50 75
36 sets earrings, at 37½, 13 50; 228 packages paper buttons, at 35, 79 80	93 30
127 doz. brass buckles, at 75 doz., 95 25; 20 doz. razors, at $6, 120	215 25
6 doz. razors, at $3, 18 00; 2 doz. butter knives, at $9, 18 00	36 00
25 doz. dirk knives, $6, 150; 14 rule knives, at 37½, 5 25	155 25
2 cards pearl-handled knives, $6, 12 00; 1 bone-handled knife, 3 00	15 50
18 cards necklace chains, at 1, 18 00; 521 breastpins in boxes, 10, 52 10	70 10
11⅓ doz. earrings and pins, at 4 50, 51 00; 72 boxes breastpins, at 25, 18 00	69 00
17½ doz. pant. straps, at 50, 8 75; 23 doz. G. S. pens and pencils, at $2, 46 00	54 75
24 doz. leather belts, at $2, 48 00; 4 pr. snuffers, at 75, 3 00	51 00
4 butcher steels, at 75, 3 00; 13 table steels, at 25, 3 25	6 25
10 papers bead crosses, at 25, 2 50; 91 doz. G. S. thimbles, at 30, 45 50	47 75
2 doz. brass thimbles, at 25, 50; 4½ doz. crushers, at 1 50, 6 75	7 25
5 pr. brass bracelets, at 25, 1 25; 32 packages buttons, at 35, 11 20	12 45
6 gross steel pens, at 50, 3 00; 3 doz. gilt buckles, at 75, 2 25	5 25
28 cards steel W. chains, at 50, 14 00; 11 cards steel chains, at 25, 2 75	16 75
2½ doz. gilt W. chains, at 1 50, 3 75; 1 watch seal, 50	2 00

31 doz. gilt chains, at 25, 7 75; 17½ doz. G. S. seals, $4½, 78 75	$86 50
1 doz. gilt W. chains, 4 50; 3 doz. razors, at 6, 18 00	22 50
6 doz. buckles, at 75, 4 50; 4 hand mirrors, at 25, 1 00	5 50
3½ doz. sugar crushers, at 1 50, 5 25; 7 pr. plated earrings, at 75, 5 25	10 50
5 9/12 doz. gilt buttons, at 75, 4 31; 15 doz. G. S. pencils, at $2, 30 00	34 31
3⅓ doz. butter knives, at $9, 30 00; 4 8/12 doz. dessert forks, $4, 18 66	48 66
1¼ doz. table forks, at $7, 8 75; 2 doz. table-spoons, at $4, 8 00	16 71
5 doz. gravy-spoons, at 75 ea., 3 75; 2 cards gilt keys, at 50, 1 00	4 75
40 boxes steel pens, at 50, 20 00; 1 card steel and 2 gilt chains, at 25, 75	20 75
1 card neck chains, 1 00; 1 doz. gilt rings, at 25	1 25
3 pr. earrings, at 37½, 1 12; 2 boxes breastpins, at 25, 50	1 62
3½ papers black buttons, at 35, 1 22; 1 card pens, 37½	1 59
2 bunches pen-holders, at 50, 1 00; 36 cards gilt rings, at 50, 18 00	19 00
2 doz. razors, at $6, 12 00; 1 doz. razors, 4 50	16 50
26 common razors, at 25, 6 50; 2 doz. G. S. butter knives, $9, 18 00	24 50
17 pr. sugar tongs, at 75, 12 75; 3 5/12 doz. salt and mustard spoons, 1 30, 5 12	17 87
2 doz. table forks, at $7, 14 00; 10 small leather pocket-books, at 5 c., 50	14 50
14 large pocket-books, at 10, 1 40; 6 large leather pocket-books, 10 c., 60	2 00
2 doz. dirk-knives, at $6, 12 00; 5 pearl-handled knives, at 75, 3 75	15 75
22 knives (on cards), at 50, 11 00; 100 doz. finger-rings, at 25, 25 00	36 00
38 doz. breastpins (in large boxes), at 30, 11 40; 10 doz. breastpins, at 3 00, 30 00	41 40
6 cards breastpins, at 25, 1 50; 1 doz. G. S. small table-spoons, $3, 3 00	4 50
18 spectacle cases, at 10, 1 80; 2 doz. cards steel pens, at 3, 6 00	7 80
8 doz. buckles, at 12½, 1 00; 12 doz. ladies' neck-chains, at 50, 6 00	7 00
5 bunches steel fob-chains, at 50, 2 50; 1 9/12 doz. gilt guard-chains, at 20, 43	2 93
1 pr. plated earrings, 1 00; 4 doz. breastpins, at 3, 12 00	13 00

6 doz. breastpins, at 1 50, 9 00; 4 doz. breastpins, at 2 00	$11 00
256 doz. finger-rings, at 25, 64 00; 6½ doz. G. S. thimbles, at 50, 3 25	67 25
2 doz. breastpins, at $3, 6 00; 11 doz. breastpins, at 1 50, 16 50	22 50
1 lot buttons, 25; 1 lot brass crosses, 25	50
1 pr. earrings, 50; 2 razors, 50, 1 00	1 50
25 G. S. pencils, at $2 doz., 4 02; 2½ doz. gravy-spoons, at $9, 22 50	26 52
24 pr. earrings, in boxes, at 37½, 8 00; 107 doz. papers, at 37, 37 45	45 45
13 doz. belts, at $2, $26; 6 boxes jewelry, at 75, 4 30	30 50
104 spectacle cases, at 10, 10 40; 36 razors, at 50, 18 00	28 40
5 doz. buckles, at 75, 3 75; 9 doz. G. S. thimbles, at 2, 18 00	21 75
49 dirk-knives, at 50, 24 50; 3¼ doz. table steels, at 3, 9 75	34 25
10 butcher steels, at 75, 7 50; 16 razors, at 25, 4 00	11 50
8 pr. scissors, at 20, 1 60; 21 pr. dividers, at 25, 5 25	6 85
24 gilt beads, at 10, 2 40; 4 doz. G. S. teaspoons, 1 50, 6 00	8 40
3 doz. pocket-knives, at 4 50, 13 50; 4 doz. mustard and spoons, at 1 50, 6 00	19 50
5 pr. bracelets, at 25, 1 25; 33 boxes rings, at 25, 8 25	9 50
1 fish slicer, 1 50; 2 sets wh. handled knives and forks, at $2, 4 00	5 50
43 boxes breastpins, at 10, 4 30; 3 doz. pant. straps, at 50, 1 50	5 80
1 doz. knives, card, 6 00; 5 pr. scissors (on card), 10, 50	6 50
½ doz. G. S. pencils, 1 00; 1 looking-glass, 25	1 25
2 bunches bead crosses, at 75, 1 50; 12 pr. steel bracelets, at 25, 3 00	4 50
1 G. S. butter-knife, fork, and sugar crusher	1 50
6 scissors-guards, at 10	10
Total amount of value of inventory	$5,776 99

L. E. BARBER,
Master, &c.

Filed July 29, 1850.
Attest:

WM. FIELD, *Cl'k.*
By R. SEARCY, *D. C.*

In the Circuit Court of the United States for the district of Arkansas.—In Chancery.

MARTIN VERY
vs.
JONAS LEVY.

Jonas Levy in acc't with Martin Very.

To amount of debt secured by mortgage, dated fourth March, 1841, bearing interest at 7 per ct. from 3 March, 1841	$4,000	00
Interest to 15th March, 1841	9	33
	4,009	33
Then paid as charged in bill and admitted in answer	550	00
	3,459	33
Int. on bal. to 29th Jan'y, 1842, in quarterly payments	264	90
	3,674	23
Then paid as charged and admitted	181	12
	3,493	11
Int. to 3 March, 1843, in quarterly payments	276	72
	3,769	83
Then paid as charged in bill and admitted	1,898	25
	1,871	58
Int. to 3 March, 1844	131	01
	$2,002	59
Amount of principal unsatisfied on 3 March, 1844	$1,871	58
Amount of interest thereon unsatisfied on 3 March, 1844	131	01
Aggregate of principal and interest due 3 March, 1844	2,002	59
Aggregate value of the goods, &c., in the hands of receiver, as per inventory herewith returned	5,776	99
Balance, being an excess of goods, &c., in hands of receiver, over the bal. of debt and interest	$3,774	40

The undersigned, appointed master in chancery in said cause, by order of court of the 15th day of July, A. D. 1850, respectfully

reports that, in obedience to said order, he has taken an inventory of said goods, &c., in the hands of the receiver, ascertaining their value at the time and in the manner in said order directed, by witnesses duly sworn to appraise the same, which value amounted to the sum of $5,776 99, as appears by the inventory herewith returned; that he has taken and stated an account, showing the amount of principal and interest of the debt in said mortgage remaining unsatisfied on the 3d day of March, 1844, as by the said order of court he was directed, and ascertained the amount of principal unsatisfied on that day to be $1,871 58, the amount of interest then unpaid to be $131 01, and the aggregate thereof to be $2,002 59, as appears by the preceding account; that he has struck a balance between the aggregate of principal and interest of the debt, and the aggregate of the appraised value of the goods, and finds that the appraised value of the goods in the hands of the receiver exceeds the said aggregate of the debt by $3,774 40.

All which is respectfully submitted.

L. E. BARBER,
Master, &c.

Expenses is:

To Marcus Dotter, a witness, 3 days' attendance, at	1 25	.....	$3 75
To John Kirk " 3 " at	1 25	.....	3 75
To L. E. Barber, master in chancery, 4 days,	3 00	.....	12 00

L. E. BARBER.

Filed July 29, 1850.
Attest: WM. FIELD, *Clk.*
By R. SEARCY, *D. C.*

In the Circuit Court of the United States for the district of Arkansas.

MARTIN VERY
vs.
JONAS LEVY.

The master in chancery appointed in this cause respectfully reports further, that it appearing to him, by the return of the marshal of the United States for said district, that the order in said cause duly certified, made on the 6th day of August, 1850, was served on A. Fowler, esq., solicitor of said complainant, on the 7th day of August, 1850, and that said complainant, or his said solicitor, had failed to select of the jewelry, &c., in the hands of the receiver appointed in this cause, to the amount of $2,002 $\frac{59}{100}$, as required by said order of court, the said master did proceed on the 12th day of August, 1850, to select from and out of the goods aforesaid in the hands of said receiver, a quantity embracing as good a variety of articles as possible for the business of a jeweller, amounting to the sum of $2,002 $\frac{59}{100}$, according to the appraisement heretofore made and by him returned to this court, such selection being made by aid of the testimony of Marcus Dotter and John

Kirk, who were duly sworn, and which said selection embraces the following articles, viz:

Marked	1.	6 pr. earrings and breastpin, at $10	$60 00
	2.	2 " fine earrings, at 4	8 00
	3.	3½ doz. plated breastpins, at 4 per doz	13 33
	4.	6 large breastpins, painted sets, gold, at 1 25	7 50
		2 cameos, at 2 50	5 00
	5.	15 breastpins, at 1 50 ea	22 50
	6.	12 " at 1 25 ea	15 00
	7.	130 plated breastpins, at 25 c	32 50
	8.	5 gold " at 1 25	6 25
		131 plated breastpins, at 50	65 55
	9.	10 brass watches, at 2 00 ea	20 00
		1 doz. gilt seals	1 50
		1 " watch keys, at 25 c. ea	3 00
		½ doz. keys and chains, at 1 ea	6 00
		4 doz. plated breastpins in boxes, at $6 doz.	24 00
		1 " pr. plated earrings, at 75 ea	9 00
		6 cigar tooths, silver, at 1	6 00
		1 doz. tooth-picks	2 25
		1 dirk, silver scabbard	3 00
		1 case, knife, fork and spoon	1 50
	10.	2 doz. gilt pins, at 3 00	6 00
	11.	9 gilt pins, at 50	4 50
		1 lot lunette glasses, 51 doz., at 75 doz	39 75
		1 " " " 62 doz., at 25	15 50
		2 bunches guard-chains, at 1	2 00
		2 packages fob-chains, at 1	2 00
		½ doz. razor-strops	75
		6 cards necklace-chains, at 1 00 doz	6 00
		1 large package guard-chains	1 00
		8 cards waist-buckles, at 50	4 00
		6 quizzing-glasses, plated, at 1	6 00
		5 cases gilt jewelry, at 75 ea	3 75
		1 doz. spectacle cases	1 50
		48 gold rings in case, at 2 00 ea	96 00
	12.	20 pr. earrings, at 75 ea	15 00
		1 case, G. S. knife, fork and spoon	1 50
	13.	60 breastpins in paper box, at 25 ea	15 00
		44 plated rings in box, at 12½ ea	5 50
		8 silver spectacles, at 1 25 ea	10 00
		25 plated watch seals, at 75 ea	18 75
		3 pr. silver earrings, at $1, $2 and $2 50	5 50
		1 silver waist-buckle	1 50
		2 quizzing-glasses, at 2 50	5 00
		1 pr. jet earrings	3 00

Marked 13.	½ doz. gold snaps, at 37½		$2 25
14.	4 breastpins, at 10		40
	8 thumb lancets, at 75		6 00
	3 card pens, pencils and holder, at 30 ea		90
	1 musical box		3 50
	1 brass watch	2 00	
	4 silver watches, at $5 ea	20 00	
	3 " " at 8	24 00	
	2 " " at 10	20 00	
	1 gold repeater	25 00	
			91 00
	24 gold rings, at 30		7 20
	4 broad " at 75		3 00
	10 gold " at 1 25		12 50
	1 set gold sleeve buttons		2 50
	1 watch hook		2 00
	2 pr. earrings, at 1 25		2 50
	1 gold pearl pin		1 50
	2 pr. gold wire earrings, at 37½		75
	1 gold watch seal with chain		3 00
	12 plated watch keys, at 50		6 00
	3 quizzing-glasses, at 5 ea		15 00
	1 gilt chain		1 00
15.	6 gold breastpins, at 1 50		9 00
16.	6 plated do at 75		4 50
17.	6 do do at 50		3 00
18.	4 do do		1 00
19.	1 painted gold pin		2 00
20.	12 do gold pins, at 1 50		18 00
21.	20 plated do at 75		15 00
22.	6 do do at 50		3 00
	6 gold pens, silver cases, at 1 00		6 00
23.	9 gold breastpins, at 1 50		13 50
24.	12 plated do at 75		9 00
25.	8 do do at 50		4 00
	1 small gold pencil		2 50
26.	9 gold breastpins, at 1 50		13 50
27.	20 plated breastpins, at 75		15 00
28.	3 pr. gold ear-rings, at 5		15 00
	1 " silver do		2 00
29.	2 " plated do with pins, at 2 00		4 00
30.	1 gold top		6 50
	1 doz. keys, at 12½		1 50
	10 brass pocket inkstands, at 25		2 50
	1 pocket spy-glass		75
	18 shell spectacles, at 50		9 00
	8 doz. mainsprings, at $3		24 00

Marked 30.	1 doz. pr. spectacles, at 20 c. each.....	$2 40
	1 lot coral beads.....	1 00
	6 doz. G. S. butter knives, at 9.....	54 00
	10 do do table-spoons, at 4.....	40 00
	20 large soup ladles, at 2 50.....	50 00
	10 smaller do at 1 00.....	10 00
	6 gravy spoons, at 75 ea.....	4 50
	4 doz. fish-slicers, at 18	72 00
	12 " dessert forks, at 4.....	48 00
	12 " table forks, at 7.....	84 00
	4 " dirk knives, at 6.....	24 00
	1 " teaspoons.....	2 00
	3 large butcher knives, at 75.....	2 25
	3 smaller do at 50.....	1 50
	3 small do at 25.....	75
	3 carving knives, at 75	2 25
	36 doz. G. S. thimbles, at 50 doz.....	18 00
	24 " brass watch keys, at 50 doz	12 00
	2 " pocket knives, at 25 ea.....	6 00
	6 " razors, at $6.....	36 00
	6 razor strops, at 50.....	3 00
	6 pr. snuffers, at 75.....	4 50
	20 doz. G. S. pencils, at 2 doz.....	40 00
	4 cards steel fob-chains, at 1 50.....	6 00
	1 bunch pen-holders	50
	24 doz. plated rings, at 25.....	6 00
	12 " gilt guard-chains, at 25.....	3 00
	5 " G. S. guard-chains, at $4 50	22 50
	18 cards steel pens, at 25.....	4 50
	3 doz. steel fob-chains, at 1 50.....	4 50
	60 sets earrings and breastpins, at 37½.....	22 50
	9 doz. breastpins, in boxes, at 2 25 doz..	20 25
	4 doz. fine razors, at 6 00.....	24 00
	3 " common do. at 3 00.....	9 00
	½ " G. S. sugar tongs, at 75	4 50
	24 " gilt buckles, at 75	18 00
	20 cards brass fob-chains, at 25.....	5 00
	1 set knives and forks, (dinner and dessert)	10 00
	2 doz. pearl-handled knives, on cards, at 50.....	12 00
	1 case-knife, fork, and spoon.....	1 50
	3 butcher steels, at 75	2 25
	1 doz. table do., at 25	3 00
	1 liquor stand	7 00
	1 plated cruet stand.....	9 00
	1 do do do.....	4 00
	2 common do do, at 2.....	4 00

Marked 30.	21 boxes breastpins, (1 doz. in box,) at 25	$5 25
	12 boxes rings, (1 doz. in box,) at 25	3 00
	8 pr. scissors, at 20	1 60
	5 pr. do at 10	50
	5 doz. dirk knives, at 6	30 00
	11 pearl-handled knives, at 50	5 50
	13 pr. brass bracelets, at 25	3 25
	12 doz. G. S. pencils, at 2	24 00
	5 gilt neck chains, at 1	5 00
	13 cards neck chains, at 1	13 00
	6 doz. leather belts, at 2	12 00
	6 " G. S. forks, table, at 7	42 00
	6 " " " dessert, at 4	24 00
	6 " " spoons, table, at 4	24 00
	1 " " ladles, at 2 50 ea	30 00
	1 " " fish slicers, at 1 50	18 00
	2 " " teaspoons, at 2	4 00
	6 cards steel fob-chains, at 1 50	9 00
	1 doz. pocket-books, at 10	1 20
	10 do at 10	1 00
	36 earrings, with pins, at 37½	13 50
	3 doz. dirk knives, at 6 00	18 00
	3½ doz. pocket knives, at 3 00	10 50
	3 doz. razors, at 6	18 00
	2 " common do., at 3	6 00
	4 " good do at 6	24 00
	12 boxes steel pens, at 50	6 00
	30 breastpins, in boxes, at 25	7 50
	1 do	06
		$2,002 59

All which is respectfully submitted.

L. E. BARBER,
Master in Chancery.

Aug. 12th, 1850.

Expenses:	Marcus Dotter, 1 day's attendance	$1 25
	John Kirk, 1 do	1 25
	L. E. Barber, master, &c	5 00

Teste: L. E. BARBER, *Master, &c.*

Filed Aug. 13, 1850.

Attest: WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

The said defendant then proved, by competent legal and record evidence, admitted by the plaintiff to be sufficient, that the said

decree in chancery, so appealed from, was by the Supreme Court of the United States, in the December term thereof, A. D. 1851, in all things affirmed, and that the copy of the decree and mandate of the said Supreme Court so affirming such decree of this court on appeal, and directing this court in chancery to execute the decree, and stating the costs of said Supreme Court at the sum of $165 83 cents, was filed in this court on the 7th of February, A. D. 1853; and also that a bill of costs in said Supreme Court, stated at $145 83 cents by the clerk of said Supreme Court, was receipted by him to Albert Pike, the attorney of said Jonas Levy in that court, on the 4th day of January, 1853; and a similar receipt of same date to said Pike stating the same amount, with the addition of $7 28 cents, for a copy of the opinion of said Supreme Court.

Defendant also read in evidence the affidavit of the said defendant, Watkins, which is attached to his said pleas.

He also proved by Searcy, the present deputy clerk of this court, that he came into said clerk's office upwards of a year ago, and that when he came into the office he found all the papers in great confusion, and many of them lost or mislaid, and some seventy executions which ought to have been there were not to be found, and are still missing, as well as other papers; and that he has made diligent search, and never been able to find the execution and venditioni exponas mentioned in the first plea of the said defendant, Watkins; and he then read from the præcipe book in said clerk's office of this court a præcipe made by said Cummins, as the attorney for said Levy, dated May 18, 1853, to the clerk, to issue instanter a writ of venditioni exponas for the said costs in the said chancery cause of Martin Very against Jonas Levy, and testified that no præcipe was to be found in the book for such fieri facias execution.

Searcy also read from the execution docket of this court, without objection, the following two entries, to wit: first entry is "No. 559, date 15th Feb'y, 1853, Jonas Levy vs. Martin Very, fi fa.; costs amount $239 14; clerk, Field, $32 80; Barber, master, $17; Kirk & Dotter, each $5, $10; Ross, receiver, $20; Hutt, j. p., $3; sh'ff and justice, $5 55; justice Dallas, $2; marshal Chase, $2 96; costs Supreme Court, $145 83—$239 14; return day, 2d Monday of April, 1853; issued to the marshal of the eastern district; delivered to E. Cummins; pl'ff's atto., Fowler; deft's atto., P. and C. Remarks: levied on a lot of jewely in the possession of John M. Ross; returned without further action by order of pl'ff's atto. See ex'on returned 11th April, 1853."

Second Entry.

"No. and date 568, 11th June. Jonas Levy vs. Martin Very. Vend. ex. costs of circuit and Supreme Court: Field, clerk, $33 95; L. E. Barber, master, $17; Kirk & Dotter, $10; Ross, rec'r, $20;

Hutt, j. p., $3; sh'ff, &c., paid $5 55; justice Dallas, $5 06; mandate, &c., costs Supreme Court, $145 83—$242 39. To marshal of eastern district; delivered to Cummins; pl'ff's attorney, Pike & Cummins. Remarks: my fees paid by L. Chase, and $20 of John M. Ross, heretofore paid by Levy, and rec'd of Mr. Chase by me to be applied to cr. on my judgment vs. Levy, before A. Smith, justice of the peace. Wm. Field. Sale of jewelry for $260."

Defendant then proved, by G. N. Peay, that an entry in the execution docket of Luther Chase, late marshal, was in the handwriting of said Chase, and the said docket his, Chase's, which entry is as follows, to wit: "Jonas Levy vs. Martin Very, fi. fa.; date of judgment, 1850, 15th August; date of execution, Feb'y 15, 1853; came to hand Feb'y 15, 1853; clerk, Field, circuit court, $32 80; L. E. Barber, master, $17; Kirk & Dotter, $10; Ross, receiver, $20; Wm. Hutt, j. p., $3; sheriff and justice, $5 55; justice Dallas co., $2; marshal Chase, $2 96; costs Supreme Court $145 83. Levied on one box of jewelry, and returned by order plaintiff's atto. Box left with Ross. Fees $2 10."

And then proved by Griffiths, that he was appointed for a special purpose under said Chase, in February, 1853, said Cummins producing the written appointment, which was approved by the proper judge, who swore him in; and on the 15th of February, 1853, said Cummins *hand* to him an execution in favor of said Levy against said Very for costs, and also a notice to serve on said Fowler, the attorney for Very, that he was going to levy an execution on said jewelry in Ross's hands as the property of Very, and that he delivered the notice to said Fowler on the same day, and went to the State banking-house, and told said John M. Ross that he had come to levy on the jewelry, and asked Ross where it was, and Ross showed him the jewelry, or rather a box which he said contained the jewelry, in the vault of said State banking-house, the door of which opened into the little room spoken of by Fowler as above, and that he then levied the execution on the box of jewelry, and left it in Ross's possession, requesting him to take care of it; and when Chase returned, perhaps two or three weeks afterwards, he gave the execution to him, and told him what he had done; Griffith did not recollect whether or not he endorsed the levy on the execution before he gave it to Chase; and afterwards, on the 24th of June, 1856, he saw the same execution in the clerk's office.

Causin testified that he had been a deputy in the clerk's office before Searcy came into it, and that he, with Griffith, saw the execution there on the said 24th of June, and that William Field, the clerk, had been sick and incapable of attending to the office for some two years, and had to his business by deputies, of which he had had several at different times during his sickness.

John C. Peay testified that Chase was absent, but returned to Little Rock the week before the April term, 1853, of this court

commenced, and he thinks only a few days before court; and that he saw, but don't recollect the date, an advertisement of Chase for the sale of the jewelry posted up, and saw in the office of Chase an execution in said case of Very and Levy, on which a levy was endorsed in the handwriting of Chase, as he thinks, and also thinks the advertisement was in his handwriting; and that Chase may have arrived here only on the Saturday next preceding the April term of this court, 1853. The time that he saw said execution so endorsed in the office of said Chase was some time during the week preceding the said April term of this court, 1853, but don't remember on what day, and it may have been as late as the Saturday of that week.

Wassell testified that he was then one of the publishers of the "Whig" newspaper, in Little Rock, and that on the 23d of June, 1853, Chase, as such marshal, advertised the jewelry for sale on the 5th of July, 1853, under execution in said case of Very against Levy, as the property of Very, and thinks he previously, in the spring, saw it advertised on the walls in town. He also stated that said Fowler was a subscriber to and took said newspaper, but thinks Fowler went to Memphis in the latter part of May, 1853, and came back by the way of Jackson and some other court, and probably did not reach here until late in June or early in July, and recollects that Fowler participated some time early in July in some resolutions of the bar of Little Rock, in or presented to the supreme court then in session, on the death of Mr. Trapnall, and thinks Mr. Trapnall died on the fourth of July, 1853, at Monticello, some distance from Little Rock.

Tom Barrett testified that he was at the sale of the jewelry by the marshal; some of it was in a very bad fix, rusted, and some of it looked tolerably well; it was generally loose in the wooden box, which looked like a hat-box; and was sold for about two hundred and fifty dollars.

Hutt testified that he happened at the sale, and in passing looked at the jewelry, which appeared to be an inferior lot, and much of it corroded with rust; and that since that time the said Ross, Chase, and Cummins have all died.

McCowan testified that he was at the sale of the jewelry by the marshal in July, 1853, and it was sold in gross for some $260 or $270; it was principally pinchbeck and inferior jewelry, and hardly fit to be called jewelry. It was then in the very worst possible condition, rusted, and much of it clinging together with rust in bunches; he thinks the purchaser got a bad bargain, and that such jewelry, however well it might be taken care of, in eight or nine years would certainly depreciate in value at the rate of from one dollar down to a dime, or even to five cents on the dollar; and it was at the time of such marshal's sale entirely unfashionable and unsaleable; and that he, the witness, has been a jeweller.

Barber, the said master in chancery, testified that when the jewelry was appraised before him, it was valued as of and on the third of March, 1844, and when it was appraised it was principally in small boxes, or wrapped up in paper, and in the little room in the banking-house, (the same little room testified about by said Fowler,) and this was in the spring and summer of 1850, and it was then in the possession of the said John M. Ross, as such receiver; that when they appraised the jewelry they opened the packages and small boxes and made their inventory, and then put the jewelry back in the boxes and packages, but thinks they were not very particular in putting it back; and when Very's portion was set apart to him it was put in a large box like a shoe-box, and put in it with ordinary care, and a part of the jewelry was put in a small box and laid in the large one, and they left this box of jewelry so set apart to Very in the little room of the banking-house above mentioned. Mr. Barber further testified that his fee as master in said chancery cause was paid to him by the marshal.

Charles P. Bertrand, one of the defendant's attorneys, testified that as receiver of the public moneys of the United States from his appointment in 1849, until he went out of office on the 20th of April, 1853, and whilst he continued in office, the box of jewelry sat on an iron box in the vault of the bank above spoken of; and Ross attended to his business for him when absent. He was *succeed* in office when he went out by Benj. F. Danley.

Danley testified, that when he went into office on the 20th of April, 1853, the box of jewelry was in the vault, and continued there, and that, as sheriff, he had in the spring of 1850 levied on the same jewelry under several executions against Levy, which were controlled by the defendant, Watkins, as attorney. When levied on it was scattered about over the room at Levy's, some of it in boxes and some in barrels, and he hauled it away, there being several dray loads of it; and he turned the jewelry over to Ross, as receiver, under the direction of said Watkins; it was then in dry-goods boxes. When he levied on it it was in bad condition, looked old, and some of it was damaged, and looked like it had been long on hand; and when witness was asked by defendant's counsel what the jewelry was then worth, and after stating that he was not a judge of the value of jewelry, and had never dealt in it, the plaintiff objected to his giving his opinion to the jury of its value at that time, but the court overruled the objection, and permitted him to give and he did give to the jury his opinion that the jewelry was not worth much; and to which judgment and decision of the court in so overruling the said objection, and permitting the witness to testify as to the then value of the mass of jewelry, the said plaintiff excepted at the time, and such exception was noted down by the court, and time given the said plaintiff to reduce such exception to form and file his bill in respect thereof at

a future day of the term, which is now done in said term. Danley also testified that the inventory of jewelry so attached to the said receipt of Ross and affidavit of Kirk was made out under his direction by one Cox when he levied on it as sheriff.

Giles, a deputy sheriff under the said Danley when he levied on said jewelry as the property of Levy, produced on the part of said defendant, was asked, on the part of said defendant, to testify as the condition and value of such mass of jewelry at the time it was so levied on, after he had deposed that he was no judge of the value of jewelry, and was no jeweller, and had never dealt in jewelry, to which the said plaintiff objected, and moved the court to reject and exclude all of such evidence no offered as to the condition and value of the whole mass of said jewelry at that time, and before that portion of it in the pleadings and evidence mentioned was set apart and allotted to the said Very, and to restrict the evidence as to the condition and value of the jewelry to that part of it set apart for said Very, and to the time that it was so allotted and set apart for him; and also to exclude from and direct the jury to disregard as evidence everything which the said Danley had testified to as to the condition and value of the mass of jewelry, and not confined to that so set apart for said Very; but the court overruled the objection to Giles' evidence, and the motion so made to direct the jury to disregard such part of said Danley's testimony; and said Giles then proceeded and testified, that said mass of jewelry, when so levied on as Levy's property, was in a very bad condition—some of it loose in the room, some in boxes, and some in barrels, and some of it in an iron safe, and no fine jewelry among it; but thinks it was all brass, pinchbeck, and common jewelry; yet there were some rings that appeared to be of fine gold; there were some old watches which seemed worn out—some of silver and some of gold, and thinks the whole mass of jewelry as it then stood was not worth more than one hundred dollars, and that he would not have had it at all; and to which judgment and decision of the court in overruling the said objection and motion of said plaintiff to instruct the jury to disregard such part of the evidence of said Danley, and to reject and exclude such evidence of said Giles, and in permitting said Giles to testify as to the condition and value of the whole mass of such jewelry, and in not restricting such evidence to the parcel set apart for Very, and to its condition and value when and at the time it was so set apart, the said plaintiff excepted at the time, and such exception was then noted by the court, and time given said plaintiff to prepare and file his bill of exceptions thereto on a future day of the same term, which is now done.

And Giles further testified that Cox made out the inventory as stated by Danley, and is now dead. And afterwards, and whilst Danley was receiver of public moneys, and kept his office in the

State Bank, he saw some of the same jewelry, a show-case, casters, &c., sitting on the mantel in the banking-room.

Dotter, who was silversmith and jeweller for 20 years past, as he stated, testified that he was one of the appraisers who aided the master in fixing the value, and they were sworn to fix such value as of March 3d, 1844. It was lacker jewelry. They appraised it in 1850 in the little room in the banking-house above mentioned.

The court then, against the objection of the plaintiff, permitted Dotter to testify, and he did thereupon testify, that in the year 1848 said Levy took him to his store-room and showed him his jewelry, and thinks it was the same jewelry there then, and that he had seen it there a hundred times, and it was in bad condition; and to which judgment and decision of the court in permitting him to so testify the plaintiff excepted at the time, and such exception was noted and further time given by the court to reduce such exception to form and prepare his bill of exceptions, which is now done.

The court then, against the objection of the plaintiff, permitted said Dotter to testify, and he did thereupon testify as follows, to wit: that the mass of jewelry, when they appraised it, was in a bad condition; looked like it had not been taken care of for a long time; was old-fashioned, unsaleable; the value of the good jewelry was in 1844 only about $150, and the rest was mere trash, and what is called filigree work; and stated that he didn't know whether it was worth anything at this place at the time of the appraisement, because it was unsaleable at this place, but it might have been sold for something in the Indian country, and perhaps in other places; it was unsaleable here because out of fashion, but not for any other reason as far as he knew; in nine or ten years the value of such jewelry would depreciate from 70 to 90, or even 100 per cent. in value; and to which judgment and decision of the court, in admitting as evidence such last mentioned statements, and each and every one of them, and each and every claim thereof, the said plaintiff excepted at the time, and such exception was noted and time given said plaintiff to file his bill of exceptions in form at a future day of the same term, which is now done.

Dotter further testified, that when the selection of the jewelry was made for Very, that it was still in the little room in the bank; and he recognises the invoice and lists of jewelry and appraisement made by the master, and above read in evidence, as those made by them, at their respective dates, and stated that he and said John Kirk were the appraisers. In selecting for Very, they took the jewelry as it came, which was no better than the rest and was worth nothing here, because grown out of fashion, more than the gold of which some of it was made was worth, and no part of it was valuable here but the razors and knives, and they were damaged; and the whole of it was worth about $200 here; and states that he does

not know whether or not the packages were put up with care, which were set apart for Very.

Defendant also proved that Levy had received from Ross, on the 16th of August, 1850, the residue of the jewelry, which under order of the court was to be returned to him.

John Kirk, who made the affidavit mentioned above, and one of the said appraisers, was then introduced by way of rebutting evidence on the part of the plaintiff, and testified on being shown said original inventory, and his original affidavit so appended to the said receipt of said Ross, and all above copied herein, that he recognises them to be genuine, and that he made and signed said affidavit, and that the value of said jewelry as stated in that affidavit was and is correct as therein stated, and that he assisted in the appraisement and selection for said Very, and stated that his trade and business all his life had been that of a silversmith and jeweller. And on being cross-examined by the defendant, he said, in making such appraisement and selection, they had carefully examined every article of the jewelry specified in the lists aforesaid, and fixed the value thereof, and he had done the same in arriving at his estimate stated in his said affidavit. When he saw the jewelry it was in a bad condition, much of it rusted and some corroded with rust, and there was no market at this place for such jewelry in 1850, and the whole mass would not then have sold at this place for more then $400. The jewelry was old-fashioned; and in selectiong for Very they took it as it came to hand; and some articles set apart for Very were of steel, and they were then rusty; and with ordinary care the goods set apart for Very would have deteriorated some in value from 1850 to 1853; and having gone out of fashion, such goods were wholly unsaleable at this place in 1853, and $250 would then have been a full price for them here; the common articles of said jewelry have very little intrinsic value.

Barber recalled and stated, that when they set apart Very's part of the jewelry, in August, 1850, the box containing it was left sitting in the little room above mentioned, against the southern wall of it; and he was there some days afterwards and saw it still sitting in the little room where they had left it, and was afterwards in the room several times, but don't recollect that he noticed the box being there at any other time. He recollects afterwards to have seen a table against the south wall in the little room.

It was proved on the part of the plaintiff, that the said affidavit of said Kirk (so attached to the said inventory and to said receipt of the said Ross) was in the handwriting of the said Ebenezer Cummins.

Said Fowler then testified, that the resolutions on the death of Mr. Thapnall, in which he participated, mentioned by the witness Wassell, were adopted, and the meeting held after the fifth of July, 1853, and the resolutions were presented to the supreme court,

about the 8th or 9th of July, 1853; and further stated that said Griffith was entirely mistaken in saying that he had, in February, 1853, handed to him such notice; that the circumstances then surrounding Mr. Very's interests arising from said decree in chancery, or incident thereto; the conversations of the witness with Mr. Cummins and with Mr. Chase, the marshal, about that time, about settling the costs of that chancery suit, and the particularly close attention which he was then trying to give to Very's interest, utterly forbade the idea of his forgetting the circumstance of such a notice being served on him—a notice utterly at war with his private understandings with Chase and Cummins; and that Griffiths, as deputy marshal, at dates not remembered, had served other papers on him, but never the notice mentioned by him.

Plaintiff then offered to prove that said Ebenezer Cummins was the attorney and solicitor of Levy in said chancery suit, and also a co-surety of said defendant, Watkins, for Ross, as such receiver; and that said affidavit of said John Kirk was also in his handwriting, which the court refused, and to which judgment and decision of the court, in so refusing and rejecting such offered proof, the said plaintiff excepted at the time, and such exception was then noted, and further time was given for him to prepare and file his bill of exceptions thereto in a future day of the same term, which is now done.

And after the evidence was closed, and all of which evidence given is set forth above herein, and before the jury retired to consult of their verdict, the plaintiff moved several instructions to the jury, all of which the court gave except one, which it refused; and none of those given was or were a substitute, or in substance the same, or of a kindred meaning with the one refused, and which instruction so refused was in the words following, to wit:

"If the jury believe, from the evidence, that the levy spoken of by the witness Griffiths, as such deputy marshal, was made without seeing the jewelry and taking it into possession, they should disregard it as any evidence at all of a levy, as in law a levy upon personal property, which jewelry is, cannot be made by an officer without his having a sight of it, and taking possession thereof;" and instead of which, the court, against the objection of the plaintiff, instructed the jury as follows, to wit:

"That to make a valid levy of goods and chattels, on a writ of fi. fa. execution, if the officer charged with the duty have a view of such goods and chattels, and they are in his power, and he declares that he makes a levy or seizure of them in execution, such is a valid levy, without actually taking the goods into his possession."

And to which said judgments and decisions of the court, and each of them, in so refusing to give the said instruction so moved

by the said plaintiff, and in giving the other said instruction in lieu thereof, and to each of them, the said plaintiff excepted at the time, and the court then noted down said exceptions thereto, and time was then given by the court to the said plaintiff to reduce the same to form, and file his bill of exceptions thereto at a future day of the same term, which is now done.

The court then gave various instructions to the jury on motion of the defendant and others, on its own volition; and, lastly, on motion of the defendant, instructed the jury upon a principle different from the instructions given, and not excepted to, and which one, so lastly given, is in the words and figures following, to wit:

"That, by the decision of the circuit court of the United States in and for the eastern district of Arkansas, made on the 15th day of August, A. D. 1850, at its adjourned April term, A. D. 1850, and the affirmance of the same in all respects by the Supreme Court of the United States, at its December term, A. D. 1851, the said Ross ceased to act, and his duties and liabilities ceased as such receiver in the case of Martin Very vs. Jonas Levy; and that from thenceforth, the said Ross had and held such jewelry as the bailee alone of said Martin Very."

And to which last instruction, so given by the court to the jury, the said plaintiff excepted at the time, and such exception was then noted down by the court, and further time given to the said plaintiff to reduce such exception to form and file his bill of exceptions at a future day of the same term, which is now done.

And now, on this day comes the said plaintiff in pursuance of such leave of the court, and tenders this his bill of exceptions to the said several decisions of the court above excepted to in the same term of the court here, and prays that the same may be signed, sealed, enrolled, and made a part of the record in this case, which is now accordingly done, on this fifth day of May, A. D. 1858, as on the said day when the said exceptions were so severally taken.

DANIEL RINGO, [SEAL.]
District Judge U. S. for Eastern dist. of Ark's.

Filed 6th May, 1858.

WM. FIELD, *Clerk.*
By R. SEARCY, *D. C.*

UNITED STATES OF AMERICA,
Eastern District of Arkansas.

I, William Field, clerk of the circuit court of the United States in and for the eastern district of Arkansas, do hereby certify that the above and foregoing one hundred and eight pages contain a full, true, and complete transcript of the record and proceedings in the case in the caption hereof mentioned, to wit, the case of Mar-

tin Very against George C. Watkins, as the same appears of record in my office.

In testimony whereof, I have hereunto set my hand as such clerk, and affixed the seal of said circuit court this 11th day of June, A. D. 1858.

[L. S.]

Attest: WILLIAM FIELD, *Clerk*.
By R. SEARCY, *D. C.*

UNITED STATES OF AMERICA, *sct.*

The President of the United States to the honorable the Judge of the Circuit Court of the United States for the eastern district of Arkansas, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court before you, between Martin Very, plaintiff, and George C. Watkins, defendant, manifest error, as alleged, has happened, to the great damage of the said Martin Very, as by his complaint appears; and we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court, to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the laws of the United States should be done.

Witness the Honorable Roger B. Taney, Chief Justice of said Supreme Court, and the seal of said circuit court, this sixth day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

[L. S.]

Attest: WM. FIELD, *Clerk*.
By R. SEARCY, *D. C.*

Allowed by—

DANIEL RINGO,
Dist. Judge for Eastern Dist. of Arkansas, presiding at the trial of said cause.

UNITED STATES OF AMERICA,
Eastern District of Arkansas.

In obedience to the above and foregoing writ of error, I have made out a full, complete, and perfect transcript of the record and proceedings in the case therein mentioned, as appears by the schedule hereto annexed.